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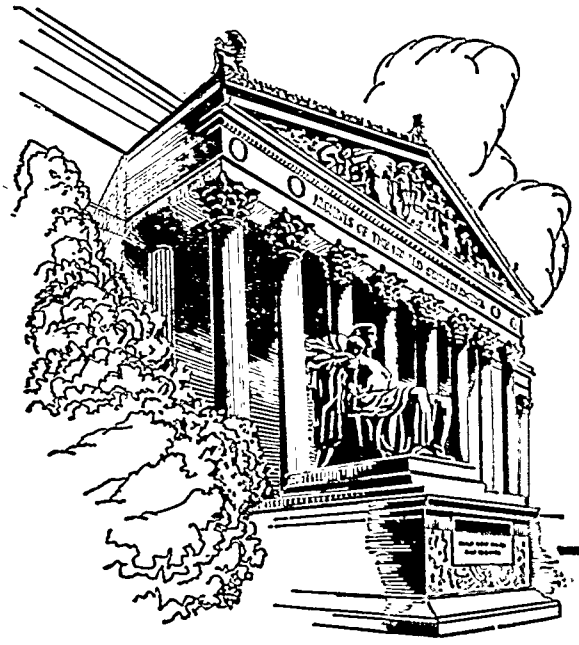

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PART 44—STANDARDS FOR SUGAR AND SUGARCANE PRODUCTS

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Refiners' Sirup [1a]

Delete §§ 44.41 to 44.46 inclusive of Part 44 which were codified in the Code of Federal Regulations of 1953 (7 CFR Parts 1–50) and transfer to Part 52, renumbering sections and references as hereinafter set forth:

Subpart—U.S. Standards for Grades of Refiners' Sirup [1a]

GENERAL

Sec.
52.6041 Definition.

GRADES

52.6042 Grades of refiners' sirup.
52.6043 Grade specifications.

DETERMINATION OF FACTORS

52.6044 Quantitative determination of factors.
52.6045 Preparation of basic solutions and RS [1] color standards.
52.6046 Use of RS color standards in determining color factor.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090; 7 U.S.C. 1624.

GENERAL

§ 52.6041 Definition.

"Refiners' sirup" means a liquid product obtained from the refining of cane or beet sugar. The total soluble nonsugar solids content of refiners' sirup exceeds 6 percent of the total soluble solids. All of the sirup constituents have been subjected to the processes of clarification and decolorization, or equivalent purification, and it may be partially or wholly inverted.

[1a] Compliance with the provisions of this standard shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (or with applicable State laws and regulations).

[1] "RS" is an abbreviation for "refiners' sirup".

GRADES

§ 52.6042 Grades for refiners' sirup.

The grades for refiners' sirup are designated as follows:

(a) "U.S. Fancy" or "U.S. Grade A" Refiners' Sirup.

(b) "U.S. Choice" or "U.S. Grade B" Refiners' Sirup.

(c) "U.S. Extra Standard" or "U.S. Grade C" Refiners' Sirup.

(d) "U.S. Standard" or "U.S. Grade D" Refiners' Sirup.

(e) "U.S. Substandard" or "U.S. Grade E" Refiners' Sirup.

§ 52.6043 Grade specifications.

Specifications for each grade of refiners' sirup are as follows:

(a) U.S. Fancy or U.S. Grade A Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of fancy quality; which contains no sediment; which is free of foreign matter; which has a Brix solids content of not less than 72 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 92 percent; which has a ratio of sulfated ash to Brix solids of not more than 3.0 percent; and which possesses a color no darker than RS Color Standard No. 1.

(b) U.S. Choice or U.S. Grade B Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of choice quality; which contains no sediment; which is free of foreign matter; which has a Brix solids content of not less than 72 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 86 percent; which has a ratio of sulfated ash to Brix solids of not more than 6 percent; and which possesses a color no darker than RS Color Standard No. 2.

(c) U.S. Extra Standard or U.S. Grade C Refiners' Sirup consists of refiners' sirup which possess a flavor characteristic of refiners' sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 76 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 78 percent; which has a ratio of sulfated ash to Brix solids of not more than 10 percent; and which possesses a color no darker than RS Color Standard No. 3.

(d) U.S. Standard or U.S. Grade D Refiners' Sirup consists of refiners' sirup which possesses a flavor characteristic of refiners' sirup of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 76 percent when corrected to 20° C. (68° F.); which has a ratio of total sugars (sucrose plus reducing sugars) to Brix solids of not less than 70 percent; and which has a ratio of sulfated ash to Brix solids of not more than 14 percent.

(e) U.S. Substandard or U.S. Grade E Refiners' Sirup consists of refiners' sirup that fails to meet the specifications for U.S. Standard Refiners' Sirup.

(f) Table of specifications for grades. The specifications for the designated grades of refiners' sirup are set forth in summary form in Table I of this paragraph.

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications			
	U.S. Fancy or U.S. Grade A refiners' sirup	U.S. Choice or U.S. Grade B refiners' sirup	U.S. Extra Std. or U.S. Grade C refiners' sirup	U.S. Standard or U.S. Grade D refiners' sirup
Brix solids corrected to 20° C. (68° F.).	Not less than 72 percent		Not less than 76 percent	
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 92 percent.	Not less than 86 percent.	Not less than 78 percent.	Not less than 70 percent.
Ratio of sulfated ash to Brix solids.	Not more than 3 percent.	Not more than 6 percent.	Not more than 10 percent.	Not more than 14 percent.
Color	No darker than RS Color Standard No. 1.	No darker than RS Color Standard No. 2.	No darker than RS Color Standard No. 3.	No color limit.

(g) Tolerances for certification of officially drawn samples. When certifying samples that have been officially drawn and which represent a specific lot of refiners' sirup, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided*, That not more than 1/6 of such samples fail to meet the requirements of the grade specifications set forth in Table I: *And further provided*, That each of the samples which represent a specific lot of refiners' sirup meet the limiting specifications set forth in Table II of this paragraph.

TABLE II—TABLE OF LIMITING SPECIFICATIONS FOR REFINERS' SIRUP

Factors	Grades and specifications			
	U.S. Fancy or U.S. Grade A refiners' sirup	U.S. Choice or U.S. Grade B refiners' sirup	U.S. Extra Standard or U.S. Grade C refiners' sirup	U.S. Standard or U.S. Grade D refiners' sirup
Ratio of total sugars (sucrose plus reducing sugars) to Brix solids.	Not less than 91 percent.	Not less than 85 percent.	Not less than 77 percent.	Not less than 69 percent.
Ratio of sulfated ash to Brix solids.	Not more than 3.5 percent.	Not more than 6.5 percent.	Not more than 11 percent.	Not more than 15 percent.
Color	No darker than RS Color Standard No. 2.	No darker than RS Color Standard No. 3.	Darker than RS Color Standard No. 3.	

DETERMINATION OF FACTORS

§ 52.6044 Quantitative determination of factors.

Quantitative determination of the respective factors other than color is made by the methods set forth in this section for the respective factors: [2]

(a) *Brix solids.* By Brix hydrometer, correcting to 20° C. (68° F.), using the double dilution method.

(b) *Total sugars*—(1) *Sucrose.* By the chemical method, using invertase as the inverting agent; the Lane-Eynon volumetric method for reducing sugars before and after inversion; or by Jackson-Gillis double polarization method number IV.

(2) *Reducing sugar.* By the Lane-Eynon volumetric method, or by the Munson-Walker gravimetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

§ 52.6045 Preparation of basic solutions and RS color standards.

Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solutions*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters. [3]

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *RS stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of RS color standards*—(1) *RS Color Standard No. 1.* Dilute 10 milliliters of the RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *RS Color Standard No. 2.* Dilute 18 milliliters of the RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *RS Color Standard No. 3.* Dilute 50 milliliters of RS stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

§ 52.6046 Use of RS color standards in determining color factor.

(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of refiners' sirup for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective RS color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat ⅛-inch thickness of the sample to be viewed. The container for each RS color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1 7/16 inches by 1 7/16 inches.

(c) *Visual comparison test.* A sample of refiners' sirup is compared in the following manner with the RS color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the RS Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles;

(2) Place a sample of the refiners' sirup in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the RS color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its ⅛-inch thickness; and each RS color standard is viewed at right angles to one of the sides of its container.

Dated: June 8, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-6715; Filed, June 14, 1967; 8:47 a.m.]

[2] These methods are described in Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950, except the Jackson-Gillis double polarization method number IV is described in Circular C440, Nat. Bur. Standards, May 1942, or in the Sugar Analysis, by Browne and Zerban, 3d Edition, 1948, John Wiley & Sons, Inc.

[3] Ten percent hydrochloric acid solution is prepared by diluting 242.6 milliliters of reagent grade hydrochloric acid to one liter.

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

Subpart A—Regulations

FEE FOR CERTIFICATES TO BE PAID BY LICENSEE TO SERVICE

Statement of considerations. The cost of administering regulations contained in 7 CFR Part 61 have increased materially since the last adjustment in the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them. Consequently, it is necessary to increase this fee from 30 cents to 40 cents for each certificate.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of this amendment later than July 1, 1967 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the fee set forth herein is necessary to more nearly cover the administration of the regulations in 7 CFR Part 61; (2) it is imperative that the increase in fee become effective in time to meet such increased costs; and (3) additional time is not required by licensed cottonseed chemists to comply with this amendment.

Therefore, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; 7 U.S.C. 1621 et seq.) the first sentence in § 61.45 is revised. As amended, § 61.45 reads as follows:

§ 61.45 Fee for certificates to be paid by licensee to Service.

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 40 cents for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Consumer and Marketing Service, USDA."

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Effective date. This amendment shall become effective July 1, 1967.

Dated: June 12, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-6741; Filed, June 14, 1967; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969

MISCELLANEOUS AMENDMENTS

The Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion, and Wheat Certificate Programs for the Crop Years 1966 Through 1969, 31 F.R. 8758, as amended, are further amended as follows:

§ 728.316 [Amended]

1. Section 728.316 is amended by inserting "(a)" immediately before the text and adding a new paragraph (b) as follows:

(b) The allotment determined for any farm under paragraph (a) of this section may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the wheat allotment in lieu of the feed grain base: *Provided,* That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further,* That such reduction shall be effective for the current year only. For purposes of establishing future State, county, and farm acreage allotments, the acreage not planted to wheat because of a reduction in the farm allotment made pursuant to this paragraph shall be regarded as having been planted to wheat.

2. Section 728.317(b)(6) is amended to read as follows:

§ 728.317 Determination of preliminary allotments for new farms for 1967 and subsequent crops.

* * * * *

(b) * * *

(6) The applicant has at least 2 years' experience producing wheat during the last 5 years: *Provided,* That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow wheat because the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest.

* * * * *

§ 728.323 [Amended]

3. Section 728.323 is amended by inserting after the word "determinations" in the first sentence thereof the following: ", including any revision of the farm acreage allotment,".

§ 728.502 [Amended]

4. Section 728.502(a)(2) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provisions of this section, wheat acreage which is determined by the county committee to have been planted in an unworkmanlike manner or is not cared for with the expectation of producing a normal crop under usual conditions and is planted solely for the purpose of receiving marketing certificates shall not be counted as planted acreage."

§ 728.505 [Amended]

5. Section 728.505(e) is amended by inserting at the end of the first sentence thereof the following new sentence: "Each such bond must be executed by a corporate surety licensed to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States."

(Secs. 334, 339(g), 375(b), 379j; 52 Stat. 53, as amended, 60, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1334, 1339(g), 1375(b), 1379j)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 8, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-6706; Filed, June 14, 1967; 8:46 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 7]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Cropland Conversion Program

NONDISCRIMINATION

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 1206, are hereby amended by adding a new § 751.50 to read as follows:

§ 751.50 Nondiscrimination.

The regulations governing nondiscrimination in Federally assisted programs of the Department of Agriculture, Part 15 of this title, as amended, shall be applicable to the 1963 Cropland Conversion Program.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 8, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-6707; Filed, June 14, 1967; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 8]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1967

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, as amended), is to revise the determination of sugar requirements for the calendar year 1967 and to establish quotas, prorations, and direct-consumption limits thereof consistent with such requirements pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act".

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

So far this year, distribution of sugar has been running at about the same rate as last year when the final requirements determination amounted to 10,375,000 tons. The seasonal period of heavy demand is now at hand and sugar refiners are making commitments for their summer needs. On occasion this year, there have been temporary difficulties in arranging prompt ocean transportation. This action will facilitate the orderly planning for and movement of sugar. Also, in the development of this amendment, consideration has been given to the desirability of obtaining fairly stable sugar prices that will carry out the price objectives set forth in section 201 of the Act.

Accordingly, total sugar requirements for the calendar year 1967 are hereby increased by 200,000 short tons, raw value, to 10,600,000 short tons, raw value.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.50, 811.51, and 811.53 as follows:

1. Section 811.50 is amended to read as follows:

§ 811.50 Sugar requirements, 1967.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1967 is hereby determined to be 10,600,000 short tons, raw value.

2. Section 811.51 is amended by amending paragraph (a)(1) to read as follows:

§ 811.51 Quotas for domestic areas.

(a) (1) For the calendar year 1967 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,120,333	(1)
Mainland cane sugar	1,134,667	(1)
Hawaii	1,252,543	36,252
Puerto Rico	1,140,000	159,000
Virgin Islands	15,000	0

[1] No limit

* * * * *

3. Section 811.53 is amended by amending paragraph (c) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4), section 202(d) and paragraph (a) of section 204 of the Act are as follows:

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Deficit prorations and allocation	Total quotas and prorations
		(Short tons, raw value)		
Mexico	216,910	229,544	62,508	508,962
Dominican Republic	212,140	224,497	166,134	602,771
Brazil	212,140	224,493	61,134	497,767
Peru	109,207	179,061	48,761	397,029
British West Indies	84,744	73,454	22,502	180,700
Ecuador	30,867	32,664	8,895	72,426
French West Indies	26,658	23,106	7,078	56,842
Argentina	26,097	27,616	7,520	61,233
Costa Rica	24,974	26,433	7,198	58,605
Nicaragua	24,974	26,433	7,198	58,605
Colombia	22,449	23,756	6,469	52,674
Guatemala	21,046	22,276	6,065	49,387
Panama	15,714	16,628	4,528	36,870
El Salvador	15,434	16,335	4,448	36,217
Haiti	11,786	12,472	3,396	27,654
Venezuela	10,663	11,284	3,073	25,020
British Honduras	6,173	5,352	1,639	13,164
Bolivia	2,525	2,672	728	5,925
Honduras	2,525	2,657	726	5,908
Australia	101,019	87,000	----------	188,019
Republic of China	42,091	36,250	----------	78,341
India	40,408	34,800	----------	75,208
South Africa	29,745	25,616	----------	55,361
Fiji Islands	22,168	19,092	----------	41,260
Thailand	9,260	7,975	----------	17,235
Mauritius	9,260	7,975	----------	17,235
Malagasy Republic	4,770	4,108	----------	8,878
Swaziland	3,648	3,142	----------	6,790
Ireland	5,351	0	----------	5,351
Total	1,404,746	1,406,691	430,000	3,241,437

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 207, and 403; 61 Stat. 923, as amended, 924 as amended, 927 as amended and 932 as amended; 7 U.S.C. 1111, 1112, 1117, and 1153)

Effective date. This action increases quotas for the calendar year 1967 by 200,000 tons. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 9th day of June 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-6679; Filed June 9, 1967; 4:55 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966 and Subsequent Crops, Flaxseed Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops, Flaxseed Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 8003, containing provisions for price support loans and purchases applicable to the 1966 and subsequent crops of flaxseed are amended as follows:

In § 1421.3060, subdivision (iii) of subparagraph (1) and subparagraph (2) of paragraph (a) are amended to provide a reduction in the amount to be deducted from the loan rate for flaxseed received by truck at terminal markets with respect to the 1967 and subsequent crops of flaxseed. The amended subdivision and subparagraph read as follows:

§ 1421.3060 Support rates.

* * * * *

(a) *Support rates for flaxseed in approved warehouse storage at designated terminal markets*—(1) *Minneapolis and St. Paul, Minn.* * * *

(iii) The support rate for flaxseed received by truck and stored at either of these terminal markets shall be determined by deducting from the applicable terminal support rate an amount equal to 4.5 cents per bushel with respect to 1966-crop flaxseed and 4.25 cents per bushel with respect to the 1967 and subsequent crops of flaxseed, plus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(2) *Port terminal markets.* In determining the support rate for flaxseed shipped by rail or water and stored at any of the port terminal markets specified in this subparagraph, there shall be deducted from the applicable terminal support rate, the transportation cost, if any may be incurred, as determined by the appropriate ASCS commodity office, for moving the flaxseed to a tidewater facility located within the switching limits of the terminal market to which it was delivered. In determining the support rate for flaxseed delivered by truck to such terminal markets, there shall also be deducted from the terminal rate an amount equal to 4.5 cents per bushel with respect to 1966-crop flaxseed and 4.25 cents per bushel with respect to the 1967 and subsequent crops of flaxseed. The port terminal markets are:

Los Angeles and San Francisco, Calif.
Duluth, Minn.
Superior, Wis.
Corpus Christi and Houston, Tex.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 8, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-6740; Filed, June 14, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Mutual Savings Banks in Alaska

Effective July 1, 1967, paragraph (e) of § 329.7 of the rules and regulations of the Federal Deposit Insurance Corpo-

ration (12 CFR 329.7) is amended to read as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(e) *Banks in Alaska.* Notwithstanding paragraph (b) of this section, any insured nonmember mutual savings bank located in the State of Alaska may pay for any time on or after October 1, 1966, and prior to July 1, 1967, a rate of interest or dividends not in excess of 5¼ percent per annum on any deposit, and for any time on or after October 1, 1966, may continue to pay a higher rate of interest or dividends in accordance with any time certificate of deposit, savings certificate, or similar certificate issued by the bank prior to September 22, 1966, requiring maintenance of the deposit for a stated period or making the rate of interest or dividends dependent thereon, and on any renewals or extensions of such certificates on the same terms and conditions. For the purposes of paragraphs (c) and (d) of this section, the applicable maximum rate for any time prior to July 1, 1967, for any such bank located in the State of Alaska is that prescribed by this paragraph.

The purpose of this amendment is to reduce from 5¼ to 5 percent per annum the maximum rate of interest or dividends which insured nonmember mutual savings banks in the State of Alaska may pay on deposits. The amendment will place the insured nonmember mutual savings banks in Alaska on the same basis generally as insured nonmember mutual savings banks in other States, which have been subject to a 5 percent maximum rate since October 1, 1966. An existing "grandfather clause" which permits the Alaska banks to pay higher rates on certain certificates evidencing funds deposited prior to September 22, 1966, will remain in effect.

There was no notice and public participation with respect to this amendment, nor is the effective date thereof deferred with prior publication, as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that, under the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] LOUISE R. DENO,
Acting Secretary.

[F.R. Doc. 67-6717; Filed, June 14, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-EA-53; Amdt. 39-432]

PART 39—AIRWORTHINESS DIRECTIVES

Martin Type Aircraft

Amendment 39-230, AD 66-12-1, requires a visual and X-ray inspection at intervals of 350 and 2,500 hours respectively of the engine mount tubular member on Martin Type 202, 202A, and 404 Aircraft. There have been recent Mechanical Reliability Reports indicating that cracks have been found in the engine mount tubular member at lesser hours of time in service than required inspection times under AD 66-12-1. Thus, AD 66-12-1 must be superseded to revise the requirements to lesser times in service and also the type of inspection will require the use of optics at 100 hour intervals and X-ray in conjunction with magnaflux at 1,000 hour intervals. One of the procedures required prior to inspecting the members is that they be sandblasted. When, however, the aircraft has been magnafluxed and X-rayed, within 750 hours' time in service prior to the effective date of this AD, but not sandblasted, it is not intended that another inspection must be performed prior to expiration of 1,000 hours' time in service after the inspection.

Since a hazardous situation exists, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

(1) Delete Amendment 39-230 from Part 39 of the Federal Aviation Regulations.

(2) Add the following new airworthiness directive:

MARTIN. Applies to Type 202, 202A, and 404 Airplanes Incorporating Engine Mount, P/N's A10100, A10100-9, 2021C11039-9, A16647-81, 404-5000004, 404-5000004-59, 404-5000005, or 404-5000005-23. Compliance required as indicated.

To detect cracks and corrosion in the engine mounts, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, visually inspect the engine mount tubular members and welds for cracks, using a glass of at least 10-power, or use an FAA-approved equivalent inspection. If a crack is found comply with (c) before further flight.

(b) Within the next 250 hours' time in service after the effective date of this AD, unless already accomplished within the last 750 hours' time in service, and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection, or one (1) year whichever occurs first, inspect the engine mount tubular members and welds for external and internal cracks and corrosion, using both Magnaflux and X-ray or FAA-approved equivalent inspections. Remove paint and sandblast the engine mount prior to inspecting, or use an FAA-approved equivalent method. The sandblasting operation should be limited to the removal of any light rust or other superficial discolorations as necessary to give a clean surface to conduct Magnaflux inspection. If a crack is found comply with (c) before further flight. Engine mounts inspected within the last 750 hours' time in service using Magnaflux and X-ray, or FAA-approved equivalent inspections, but without sandblasting need not be reinspected before 1,000 hours' of time in service from such inspection.

(c) If a crack is found in the weld metal or in any tube between welds, and the crack is parallel to the tube axis, repair or replace the cracked part in accordance with the procedure outlined in the latest FAA-approved revision of the applicable Martin Structural cedures outlined in the latest FAA-approved equivalent repair, or replace the cracked part with a part of the same part number that has been inspected in accordance with (b) and found free of cracks and corrosion, or with an FAA-approved equivalent part. If a crack is found in any tube wall, and the crack is transverse to the tube axis, replace the entire engine mount with a part of the same part number that has been inspected in accordance with (b) and found free of cracks and corrosion, or with an FAA-approved equivalent part. If a carck is found which is not identified above, approval for continued use of the engine mount must be obtained from the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Substantiating data must be submitted along with the request.

(d) The repetitive inspection interval specified in paragraph (a) may be increased to 350 hours' time in service, and the repetitive inspection interval specified in paragraph (b) may be increased to 2,500 hours' time in service or two (2) years, whichever occurs first, on aircraft whose engine mounts are treated internally at the next required inspection with hot linseed oil. The liquid shall be applied through holes drilled therein, or by immersing the part in a bath of the liquid, or FAA-approved equivalent method. All access holes must be closed with cadmium-plated or zinc-plated self-tapping screws.

(e) Equivalent inspections and repairs may be approved by an FAA maintenance inspector. Equivalent parts, Structural Repair Manual revisions, and internal treatment methods specified in paragraph (d), must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(f) Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This supersedes Amendment 39-230 (Part 39, 31 F.R. 6730, May 6, 1966), AD 66-12-1.

This amendment is effective five (5) days after publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on May 29, 1967.

OSCAR BAKKE,
Director.

[F.R. Doc. 67-6709; Filed, June 14, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On page 2649 of the FEDERAL REGISTER dated February 8, 1967, there was published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations by designating a control zone and transition area in the Cody, Wyo., terminal area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

Although communications capability exists with Worland, Wyo., Flight Service Station through the Limited Remote Communications Outlet at Cody, Wyo., Frontier Airlines found the proposed airspace actions acceptable, provided an additional leased-line capability were installed between Cody and Worland, Wyo. Their primary objection was due to the possibility of itinerant pilots attempting to use Frontier Airline facilities. This matter was discussed with a representative of Frontier Airlines, and it was explained that a fastline could only be installed if and when the traffic volume at Cody, Wyo., made it economically feasible.

In view of the foregoing, the proposed amendments are adopted, except for the following changes: The citations for the control zone and transition area are corrected to read "(32 F.R. 2071)" and "(32 F.R. 2148)", respectively.

Effective date. These amendments are effective 0001 e.s.t., August 17, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; U.S.C. 1348)

Issued in Los Angeles, Calif., on June 7, 1967.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (32 F.R. 2071) the following control zone is added:

CODY, WYO.

That airspace within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.). This control zone is effective from 0600 until 1700 hours, local time, daily.

In § 71.181 (32 F.R. 2148) the following transition area is added:

CODY, WYO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 2 miles each side of the Cody VOR 023° and 203° radials, extending from the 5-mile radius area to 8 miles northeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Cody VOR 023° and 203° radials, extending from 7 miles southwest to 17 miles northeast of the VOR.

[F.R. Doc. 67-6711; Filed, June 14, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6408) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Eastman, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., August 17, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

EASTMAN, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°-07'42" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 5, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-6712; Filed, June 14, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6408) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., August 17, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Brunswick, Ga., 700-foot transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within a 5-mile radius of the Jekyll Island Airport (latitude 31°-04'21" N., longitude 81°25'39" W.), and within 2 miles each side of the Brunswick VOR 203° radial, extending from the VOR to 8 miles southwest of the VOR, excluding the portion outside of the continental limits of the United States;

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 5, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-6713; Filed, June 14, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6408) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jefferson, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., August 17, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

JEFFERSON, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Jackson County Airport (latitude 34°10'31" N., longitude 83°33'38" W).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 5, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-6714; Filed, June 14, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 30]

MISCELLANEOUS AMENDMENTS TO EXPORT REGULATIONS

Parts 370, 382, and 399 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7, 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: May 29, 1967.

RAUER MEYER,
Director,
Office of Export Control.

I. *Revision of Commodity Interpretation 19: military automotive vehicles.*

Purpose and effect: Commodity Interpretation 19 differentiates between the military vehicles under the export licensing jurisdiction of the U.S. Department of State and those under the jurisdiction of the U.S. Department of Commerce.

The subject Interpretation is amended by adding a list of the most common characteristics which identify a vehicle as "military" for the purposes of export control.

Accordingly, § 399.2 is amended as set forth below.

II. *Amendment of the Commodity Control List*

Revisions. The Commodity Control List in § 399.1 is revised as set forth below, effective May 29, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

[1] A validated license is no longer required for export of these commodities to Country Group Y.

[2] A validated license is no longer required for export of malt, malt flour, macaroni, noodles and other preparations of flour, starch or malt extract to Country Group Y.

[3] A validated license is no longer required for export to East Germany of any commodities included in this entry which previously required a license to this destination.

[4] A validated license is no longer required for export of chocolate flavored milk beverages to Country Group Y.

[5] A validated license is no longer required for export of these commodities to East Germany.

[6] A validated license is no longer required for export of pulpwood and Port Orford cedar logs and lumber to Country Group Y.

[7] Four entries are substituted for an entry presently on the Commodity Control List under Export Control Commodity No. 263.

[8] A validated license is no longer required for export of natural sodium nitrate to Country Groups X and Y; and natural fertilizers of mineral or vegetable origin, not chemically treated, to Country Group Y.

[9] A validated license is no longer required for export of pyrethrum extract to Country Groups X and Y.

[10] A validated license is no longer required for export to Country Group Y of soft vegetable oils, except olive oil. In accordance with previously announced controls, a validated license is not required for export to this destination of olive oil.

[11] A validated license is no longer required for export of persic oil USP to Country Groups X and Y.

[12] A validated license is no longer required for export to Country Group Y of fatty acids and refining by-products of vegetable origin, including industrial mixtures.

[13] A validated license is no longer required for export to Country Group Y of behenic, lauric, myristic and palmetic acids.

[14] The GLV Dollar-Value Limit is increased for Country Group V.

[15] A validated license is no longer required for export to Country Group Y of natural animal or vegetable fertilizers chemically treated, and mixed fertilizers, except ammonium phosphates.

[16] A validated license is no longer required for export of corn starch and other grain starches, including industrial type, to Country Group Y.

[17] Cable base stock, electrical cable filling, coil winding, electrical insulating, and voice coil stock, previously listed in the second entry in error, is included in this entry and a validated license is required for export of these items to Country Groups X and Y.

[18] Armature, cable base stock, coil winding, electrical, insulating electrical, slot insulation, rope stock tape for electrical insulating, voice coil stock, and electrical insulating tissue, previously listed in the second entry in error, is included in this entry and a validated license is required for export of these items to Country Groups X and Y.

[19] Two entries are substituted for an entry presently on the Commodity Control List under this Export Control Commodity Number.

[20] A validated license is no longer required for export of these commodities to Country Groups W, X, and Y.

[21] A validated license is no longer required for export of these commodities to Country Groups X and Y.

[22] A validated license is no longer required for export of these commodities to Country Groups T and V.

[23] The GLV Dollar-Value Limit is decreased to Country Groups T and V, effective June 23, 1967.

[24] Two entries are substituted for three entries presently on the Commodity Control List under this Export Control Commodity Number.

[25] A separate entry is established with no change in controls.

III. *Amendment of Denial and Probation Orders.*

Additions have been made to the table of denial and probation orders of the U.S. Export Control Regulations. Accordingly, names have been added to § 382.51 as set forth below.

IV. *Export Licensing Authority over United States Coins Containing Silver.*

Purpose and effect: The Export Regulations have been amended to point out that U.S. coins containing silver (Export Control Commodity No. 68070) are no longer under the export licensing authority of the U.S. Department of Commerce. Such coins are under the export licensing authority of the U.S. Treasury Department.

In addition to the silver dollar and the subsidiary silver coins, this amendment includes the clad half dollar, or 50-cent piece.

Accordingly, §§ 370.5 and 399.1 of the U.S. Export Regulations are amended as set forth below.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Paragraph (h) is added to § 370.5 as follows:

§ 370.5 Exportations authorized by Government agencies other than Office of Export Control.

* * * * *

(h) *Coins containing silver.* The silver coin regulations (31 CFR Part 82) promulgated by the Secretary of the Treasury under the Coinage Act of 1965 (Public Law 89–81, 31 U.S.C. 395) shall govern the export of U.S. coins containing silver. This includes the silver dollar, the subsidiary silver coins and the clad half dollar, or 50-cent piece. The silver coin regulations are administered by the U.S. Treasury Department.

PART 382—DENIAL OF EXPORT PRIVILEGES

The following entries are added to § 382.51 *Supplement 1; Table of denial and probation orders currently in effect:*

Name and address	Effective date	Expiration date	Export privileges affected	Federal Register citation
Eggeling, Franz, Hintere Zollamtsstrasse 17, Postfach 229, Vienna III, Austria.	5- 8-67	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	32 F.R. 7223, 5-12-67.
Memisco Anstalt, also known as Memisco, Metal, Machinery, Instruments Suppliers Co., Vaduz, Liechtenstein.	5- 8-67	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Eggeling, Franz, which see.)	32 F.R. 7223, 5-12-67.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

1. In § 399.1 the following footnote to Commodity Nos. 68080, 69892, 69899, 69600, and 96100 is added:

[1] U.S. coins containing silver require export authorization from the U.S. Treasury Department (see § 370.5(h)).

2. Entries in § 399.1 table are amended as follows:

Department of Commerce export control commodity number and commodity description	Unit	[1] Processing number	[1] Validated license required for country groups shown below	[1] GLV dollar value limits for shipments to country groups				[1] Special provisions list
				S	T	V	X	
Dairy products and eggs								
023 Butter and anhydrous milk fat. (1) [1]	Lb	208	Z					B.
024 Cheese and curd. (1) [1]	Lb	208	Z					B.
Cereals and cereal preparations								
047 Cereal flours, meal, and groats (1) [1]	Lb	208	Z					B.
048 Breakfast cereals; malt, malt flour, and malt extract; macaroni, noodles, and similar products; bakery products; and preparations of flour, starch, or malt extract. (1 through 9) [2] [3]	Lb	208	Z					B.
Sugar, sugar preparations, and honey								
061 Beet and cane sugar, raw or refined; honey, natural; and sugars, sirups, and molasses, n.e.c. (Report pharmaceutical dextrose, glucose, and malt sugar in bulk in No. 51203; and in dosage form, put up for retail sale, or in bulk and combined with other medicinals in No. 54170.) (1 through 4) [3]	Lb	208	Z					B.
062 Confectionery, not containing cocoa; chewing gum; and flavored or colored sugars, sirups and molasses. (1, 2, and 3) [3]	Lb	208	Z					B.
Miscellaneous food preparations								
09904 Sauces, salad dressings and mixed seasonings. (1 and 2) [3]	Lb	208	Z					B.
Beverages								
111 Nonalcoholic beverages. (1 and 2) [4]	Gal	208	Z					B.
Tobacco and tobacco manufactures								
121 Leaf tobacco, stemmed or unstemmed, and other unmanufactured tobacco. (1) [1]	Lb	208	SZ	500				B.
Crude rubber, including synthetic and reclaimed rubber								
23110 Crude natural rubber and similar natural gum. (1 and 2) [3]	Lb	228	SZ					B.
23120 Neoprene (polymers of chloroprene). (6) [5]	Lb	228	SZ					B.
Wood, lumber, and cork								
242 Pulpwood, excluding chips; sawlogs, veneer logs, and bolts in the rough, roughly squared, quartered or halved; piling; utility line poles; and other wood in the rough, including mine timbers, hardwood stumps and burls. (1 through 8) [6]	MBF	208	SZ	500				B.
243 Railway cross ties; mine ties; and lumber, rough-sawed, dressed, patterned, planed, tongued, grooved or otherwise surface-worked, including small dimension stock and flooring. (1 through 7) [6]	MBF	208	SZ	500				B.
Textile fibers, not manufactured into yarn, thread, or fabrics, and their waste (report glass fiber yarn, roving or strand in No. 65180).								
26310 Raw cotton, excluding linters. (1) [17]	Lb	208	SZ	500				B.
26320 Cotton linters. (1) [7]	Lb	208	SYZ	500				B.
26330 Cotton waste. (1) [17]	Lb	208	SZ	500				B.
26340 Cotton, carded or combed (laps, sliver and roving). (1) [17]	Lb	208	SZ	500				B.
Crude fertilizers and crude minerals, excluding coal, petroleum, and precious stones								
271 Fertilizers, crude. (Report manufactured fertilizers in No. 56100.) (1 through 4) [8]	S. ton	248	SZ	500				B.
Crude animal and vegetable materials, n.e.c.								
29291 Pyrethrum extract; pectin and pectic substances; hop extract; and other vegetable saps, extracts, mucilages, and thickeners derived from vegetable products. (1 and 2) [9]	Lb	248	SZ	500				B.
Vegetable oils and fats, except hydrogenated (Report hydrogenated oil in No. 43120, and and shortening in No. 091.)								
421 Vegetable oils, soft, excluding hydrogenated. (1 through 5) [10]	Lb	208	Z					B.
42210 Linseed oil, raw. (1) [1]	Lb	208	Z					B.
42230 Coconut oil. (1) [1]	Lb	208	Z					B.
42270 Vegetable oils, as follows: apricot kernel oil; castor, oil, medicinal grade; kapok seed oil; laurel oil, crude; mahwah oil, crude; niger-seed oil, crude; palm kernel oil; peach kernel oil; sweet almond oil; tea seed oil; walnut oil, crude; and wheat germ oil. (1 and 2) [11]	Lb	208	Z					B.
Fatty acids, waxes, and specially treated fats and oils, excluding petroleum products								
43130 Fatty acids and refining byproducts. (Report chemically defined fatty acids and their esters in No. 51209.) (1 and 2) [12]	Lb	248	Z					B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	[1] Processing number	[1] Validated license required for country groups shown below	[1] GLV dollar value limits for shipments to country groups				[1] Special provisions list
				S	T	V	X	
Chemical elements and compounds								
51200 Miscellaneous organic chemicals, excluding cyclic, the following only: A, B-dibromopropionic acid; acetobromopropyl lactate; adenylic acid; aluminum acetate; aluminum dihydroxyaminoacetate; aluminum formate solutions; aluminum isopropylate; aluminum lactate; aluminum octoate; aluminum oxiquinolate; aluminum stearate solution for waterproofing masonry; ammonium acetate; ammonium bitartrate; ammonium ferric oxalate; ammonium oxalate; ammonium thioglycolate; antimony lactate; behenic acid; cadmium acetate; cadmium octoate; calcium acetate; calcium formate; calcium linoleate, except paint and varnish dryers; calcium tartrate; camphoric acid; camphosulfuric acid; crotonaldehyde; cyanacetamide; diacetone alcohol; diethylmalonate; dimethyl glyoxime; dimethylphenylbenzyl ammonium hydroxide; dipentaerythritol acetate; dipentaerythritol hexabutyrate; dipentaerythritol hexapropionate; ethyl alcohol; ethyl butyrate; ethyl chloride; ethyl chloracetate; ethyl chlorocarbonate; ethyl formate; ethyl hydrogen sulfate; ethyl lactate; ethyl malonate; ethyl mercaptan; glutaronitrile; glyceryl monostearate; iron protoxalate; iron sodium oxalate; lauric acid; lecithin; manganese acetate; methionine hydroxy analogue; methyl glutamate; methyl hydroxy acetate (methyl glycolate); methylinolactaldehyde; monoisopropanolamine; monopentaerythritol diacetate dibutyrate; monopentaerythritol tetrabutyrate; monosodium glutamate and products; myristic acid; n-methyltaurine diurryi; oleic acid; palmetic acid; pentanedione 2-4 (acetylacetone); perpinyl acetate; potassium acetate; potassium bitartrate; potassium oxalate; potassium oxichinolin sulfonate; potassium salicylate; sodium allyl arsenate; sodium bitartrate (acid sodium tartrate); sodium formate; sodium gluconate; sodium methylate; sodium oxalate; sodium potassium tartrate; sodium salicylate; sodium stearate; stearic acid; tartar emetic; zinc acetate; and zinc stearate. (44, 45, and 46) [2] [13]	Lb	248	SZ					B.
51325 Alumina, all types, 99 percent purity and over. (1) [14]	Lb	203	STVWXYZ		500	500		E-13.
51470 Silicon carbide, all types, 99 percent purity and over. (34) [14]	Lb	203	STVWXYZ		500	500		
Fertilizers, manufactured								
56100 Urea fertilizer; potassic fertilizer, except potassium chloride; super phosphate; mixed fertilizers, except ammonium phosphates; and natural animal or vegetable fertilizers, chemically treated. (1, 2, and 3) [2] [15]	S. ton	243	SZ	500				B.
Chemical materials and products, n.e.c.								
59951 Starches, n.e.c., and inulin. (1, 2, and 3) [2] [16]	Lb	203	SZ					B.

See footnotes at end of table.

Department of Commerce export control commodity number and commodity description	Unit	[1] Processing number	[1] Validated license required for country groups shown below	[1] GLV dollar value limits for shipments to country groups				[1] Special provisions list
				S	T	V	X	
Paper, paper board and manufactures thereof								
64130 Condenser tissue; and dielectric paper. (1) [17]	Lb	218	SXYZ	500			100	B.
64180 Capacitor tissue; condenser tissue; and dielectric paper. (1) [18]	Lb	218	SXYZ	500			100	B.
Manufactures of metal, n.e.c.								
69361 Coil springs, torsion springs, leaf springs, and leaves for springs, iron or steel, for passenger cars, and for trucks 12,000 pounds or under. (1) [19] [20]	Lb	438	SZ	500				B.
69361 Coil springs, torsion springs, leaf springs, and leaves for springs, iron or steel, for other vehicles. (1) [19]	Lb	438	SWXYZ	500			100	B.
69892 U.S. coins not containing silver. (46) [21]		218	SXYZ	500			100	B.
69899 U.S. coins not containing silver. (8) [25]		218	SXYZ	500			100	B.
Machinery, other than electric								
71021 Fuel pumps specially designed for automotive vehicles and trucks; and parts, n.e.c. (13) [21]		438	SZ					B.
Electrical machinery, apparatus, and appliances								
72220 Fuses, dimmer switches, lighting switches, power relays and other electrical apparatus for making, breaking or protecting electrical circuits on automobiles, buses, motorcycles, tractors, trucks, watercraft and industrial engines; and parts, n.e.c. (19) [23]		438	SZ					B.
72310 Ignition harness and cable sets, automotive type. (15) [17]		433	SZ					B.
72912 Storage batteries, 6 and 12 volt, lead acid type. (2) [21]	No	433	SZ					B.
72941 Electrical starting and ignition equipment, automotive type, and parts, except spark plugs and parts. (3) [23]		433	SZ					B.
72942 Motor vehicle sealed beam lamps. (1) [23]	No	433	SZ					B.
72952 Chemical analysis equipment, qualitative and quantitative (chemical analytical equipment utilizing chemical and/or physical separation analytical principles). (Specify by name.) (2) [24]	No	418	SWXYZ				100	B.
72953 Other industrial process indicating, recording, and/or controlling instruments containing one or more electron components (incorporating one or more electron tubes or transistors), except large case potentiometric instruments (that is, those with one face dimension 6 inches or larger). (Specify by name.) (75) [24]	No	418	SWXYZ				100	B.
72962 Vibration testing equipment capable of providing a thrust of 2,000 pounds or less. (83) [10] [24]	No	412	STVWXYZ		500	500		
72963 Other physical properties testing and products testing and inspecting machines or equipment, n.e.c., incorporating circuitry designed to use two or more electron tubes or transistors. (Specify by name.) (89) [10] [24]	No	418	SWXYZ				100	B.
72995 Ignition capacitors (condensers) designed for automotive vehicles, and parts. (8) [20]		433	SZ					B.

Department of Commerce export control commodity number and commodity description	Unit	[1] Processing number	[1] Validated license required for country groups shown below	[1] GLV dollar value limits for shipments to country groups				[1] Special provisions list
				S	T	V	X	
Transport equipment								
73201 Other passenger cars having front and rear axle drive. (2 and 3) [24]	No.	438	SWXYZ				100	B.
73201 Other passenger cars. (2 and 4) [21 24]	No.	438	SZ					B.
Clothing and accessories								
84125 Corsets, brassieres, girdles, garters, and similar articles, including such articles of knit or crocheted fabric, whether or not elastic. (1 and 2) [3]	Lb.	218	Z					B.
Professional, scientific and controlling instruments; photographic and optical goods, watches and clocks								
86172 Other self-contained diving and underwater breathing apparatus (scuba); and specially designed components therefor, n.e.c. (2) [22]		628	SWXYZ	500			100	B.
86182 Speedometers, tachometers and other counting devices for motor vehicles. (2) [24]		438	SZ	500				B.
86193 Measuring and checking instruments, appliances and machines for automotive maintenance (includes wheel balancers), and parts. (3) [24]		438	SZ	500				B.
86197 Other instruments for watercraft, motor vehicles and other vehicles. (9) [24]		438	SZ	500				B.
86198 Chemical analysis equipment, qualitative and quantitative (chemical analytical equipment utilizing chemical and/or physical separation analytical principles) (specify by name); and specially designed parts, n.e.c. (9) [22]		438	SWXYZ	500			100	B.

[1] For explanation, see § 399.1.

Saving clause. Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. June 5, 1967, may be exported under the previous general license provisions up to and including June 28, 1967. Any such shipment not laden aboard the exporting carrier on or before June 28, 1967, requires a validated license for export.

3. Section 399.2 is amended by revising Interpretation 19 to read as follows:

INTERPRETATION 19: MILITARY AUTOMOTIVE VEHICLES

(a) *Military automotive vehicles.* For purposes of U.S. export controls, military automotive vehicles "possessing or built to current military specifications differing materially from normal commercial specifications" may include, but are not limited to, the following characteristics:

(1) Special fittings for mounting ordnance or military equipment,

(2) Bullet-proof glass,

(3) Armor plate,

(4) Fungus preventative treatment,

(5) Twenty-four volt electrical systems,

(6) Shielded electrical systems (electronic emission suppression), or

(7) Puncture-proof or run-flat tires.

These automotive vehicles fall into two categories:

(i) *Military automotive vehicles on the munitions list, new and used.* Automotive vehicles in this category are primarily combat (fighting) vehicles, with or without armor and/or armament, "designed for specific fighting function." These automotive vehicles are licensed by the U.S. Department of State. See list with descriptions, paragraph 370.5(a), Category VII, of the Comprehensive Export Schedule.

(ii) *Military automotive vehicles not on the munitions list, new and used.* Automotive vehicles in this category are primarily transport vehicles designed for noncombat military purposes (transporting cargo, personnel and/or equipment, and/or for towing other vehicles and equipment over land and roads in close support of fighting vehicles and troops). These automotive vehicles are licensed by the U.S. Department of Commerce.

(b) *Parts for military automotive vehicles.* Functional parts are defined as those parts making up the power train of the vehicles, including the electrical system, the cooling system, the fuel system, and the control system (brake and steering mechanism), the front and rear axle assemblies including the wheels, the chassis frame, springs and shock absorbers.

Parts specifically designed for military automotive vehicles on the Munitions List are licensed for export by the U.S. Department of State.

(c) *General instructions.* Manufacturers of non-Munitions List automotive vehicles and/or parts will know whether their products meet the conditions described above. Merchant exporters and other parties who are not sure whether their products (automotive vehicles and/or parts) meet these conditions should check with their suppliers for the required information before making a shipment under general license or submitting an application to the Office of Export Control for an export license.

[F.R. Doc. 67-6561; Filed, June 14, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1207]

PART 13—PROHIBITED TRADE PRACTICES

Bianchini, Ferier, Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Bianchini, Ferier, Inc., New York, N.Y., Docket C-1207, May 23, 1967]

Consent order requiring a New York City distributor of fabrics to cease importing and selling fabrics so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Bianchini, Ferier, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That respondent's report of compliance with the order herein, dated March 28, 1967, and submitted simultaneously to the Commission with the agreement containing consent order to cease and desist, be received and filed.

Issued: May 23, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-6722; Filed, June 14, 1967; 8:47 a.m.]

[Docket No. C-1210]

PART 13—PROHIBITED TRADE PRACTICES

California Sportswear Co. and Samuel Tyco Cohen

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool

Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, California Sportswear Co. et al., Los Angeles, Calif., Docket C–1210, May 25, 1967]

Consent order requiring a Los Angeles, Calif., clothing manufacturer to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents California Sportswear Co., a corporation, and its officers, and Samuel Tyco Cohen, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 25, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–6723; Filed, June 14, 1967; 8:47 a.m.]

[Docket No. C–1209]

PART 13—PROHIBITED TRADE PRACTICES

Gramercy Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Gramercy Mills, Inc., et al., Passaic, N.J., Docket C–1209, May 23, 1967]

In the Matter of Gramercy Mills, Inc., a Corporation and A & S Sales Corp., a Corporation, and Simon Glasser and Arthur Glasser, Individually and as Officers of Said Corporations

Consent order requiring a Passaic, N.J., manufacturer of children's swimwear to cease misbranding and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gramercy Mills, Inc., a corporation, and its officers, and A & S Sales Corp., a corporation, and its officers, and Simon Glasser and Arthur Glasser, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of a fiber present in the textile fiber product need not be stated.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 23, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–6724; Filed, June 14, 1967; 8:47 a.m.]

[Docket No. C–1211]

PART 13—PROHIBITED TRADE PRACTICES

Moniteau Mills, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Moniteau Mills, Inc., et al. California, Mo., Docket C–1211, May 26, 1967]

In the Matter of Moniteau Mills, Inc., a Corporation, and Frank A. Peck Individually and as an Officer of Said Corporation, and Andrew H. Strickfaden, Individually and as Plant Manager of Said Corporation

Consent order requiring a California, Mo., fabric manufacturer to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Moniteau Mills, Inc., a corporation, and its officers, and Frank A. Peck, individually and as an officer of said corporation, and Andrew H. Strickfaden, individually and as plant manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products,

as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding of such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-6725; Filed, June 14, 1967; 8:47 a.m.]

[Docket No. C-1208]

PART 13—PROHIBITED TRADE PRACTICES

Nat Morgan

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Nat Morgan, New York, N.Y., Docket C-1208, May 23, 1967]

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Nat Morgan, an individual trading as Nat Morgan or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product," are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 23, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-6726; Filed, June 14, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DEHYDRATED BEETS (BEET POWDER); CONFIRMATION OF EFFECTIVE DATE

In the matter of establishing a regulation listing and exempting from certification the color additive dehydrated beets (beet powder) for general use in foods:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b) (c)(2) (d)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 20, 1967 (32 F.R. 6186). Accordingly, the regulation promulgated by that order will become effective June 19, 1967.

2. Effective June 19, 1967, § 8.501 *Provisional lists of color additives* is amended by deleting from paragraph (e) the item "Beet powder."

(Sec. 706 (b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c)(2), (d))

Dated: June 8, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-6730; Filed, June 14, 1967; 8:48 a.m.]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

FERROUS GLUCONATE; CONFIRMATION OF EFFECTIVE DATE

In the matter of establishing a regulation listing for food use and exempting from certification the color additive ferrous gluconate:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of April 19, 1967 (32 F.R. 6131). Accordingly, the regulations promulgated by that order will become effective June 18, 1967.

2. Effective June 18, 1967, § 8.502 *Provisional lists of color additives* is

amended by deleting from paragraph (e) the item "Ferrous gluconate."

(Sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d))

Dated: June 8, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6731; Filed, June 14, 1967; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

THIABENDAZOLE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 3D0956) filed Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of thiabendazole in swine feed as indicated below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.260(c) is amended by adding to table 2 a new item 5, as follows:

§ 121.260 Thiabendazole.

* * * * *

(c) * * *

TABLE 2—THIABENDAZOLE IN FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
5. Thiabendazole	45.4–908 gm. per ton (0.005–0.1%).	----------	----------	For swine: Administer continuously feed containing 0.05–0.1% thiabendazole per ton for 2 weeks followed by feed containing 0.005–0.02% thiabendazole per ton for 8–14 weeks; do not treat animals within 30 days of slaughter.	Aid in the prevention of infestations of large roundworms (genus *Ascaris*).

* * * * * * *

2. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner has concluded that a zero tolerance is required to assure that edible tissues of swine treated with thiabendazole in accordance with § 121.260 are safe for human consumption. Accordingly, §121.1153 is revised to read as follows:

§ 121.1153 Thiabendazole.

A tolerance of zero is established for residues of thiabendazole in the edible tissues of cattle, goats, sheep, and swine and in milk from cattle and goats.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: June 6, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6674; Filed, June 14, 1967; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER Q—OIL AND GAS

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Miscellaneous Amendments

On page 12794 of the FEDERAL REGISTER of September 30, 1966, there was published a notice of intention to revise § 183.81 and to revoke §§ 183.82, 183.83, and 183.84 of Title 25, Code of Federal Regulations.

The purpose of the revision and revocation is to provide more fully and definitely for the conditions under which oil and gas wells may be shutdown, abandoned, and plugged and for payment of a fee of $15 when applying for permission to plug a well.

Interested persons were given 30 days from the date of publication of the notice in the FEDERAL REGISTER within which to submit their views, data, and arguments concerning the proposed revision and revocation to the Commissioner of Indian Affairs. Written objections were received regarding the provisions prohibiting a shutdown, abandonment, or other discontinuance of operations without the approval of the Superintendent. The objections are based on the conclusion that these points are covered by existing regulations. None of the regulations cited, however, deal fully and definitely with the subject.

To facilitate the administration and supervision over the many well changes on secondary recovery projects, an amendment has been added to the first paragraph of § 183.81 as proposed by which the Superintendent may authorize that these well changes be included in a monthly report.

Objections were also raised on the proposed requirement for the payment of a $15 fee by lessees upon application of authority to plug a well. However, it is believed those objections do not have sufficient basis to warrant any change.

Accordingly, the proposed amendments to 25 CFR Part 183 are hereby adopted, subject to the following changes:

In § 183.81, as proposed, the word "therefore" is deleted from the second sentence of the first paragraph; and a provision is added at the end of the first paragraph under which the Superintendent may authorize that well changes on secondary recovery projects be included in a monthly report.

These amendments will become effective 30 days following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 8, 1967.

1. Section 183.81 is revised to read as follows:

§ 183.81 Shutdown, abandonment, and plugging of wells.

No productive well shall be abandoned until its lack of capacity for further profitable production of oil or gas has been demonstrated to the satisfaction of the Superintendent. Lessee therefore shall not shut down, abandon, or otherwise discontinue the operation or use of any well without the written approval of the Superintendent or his designated representative. All applications for such approval shall be submitted to the Superintendent on forms furnished by him. Lessees operating secondary recovery units may obtain permission from the Superintendent to submit a monthly well status report rather than obtain individual authorizations for changing the status of producing, injection, disposal, or other wells connected with the operation of the unit.

(a) Application for authority to shut down or discontinue use or operation of a well shall set forth justification therefor and probable duration, the means by which the well bore is to be protected,

and the contemplated eventual disposition of the well. The method of conditioning such well shall be subject to the approval of the Inspector.

(b) Wells to be permanently abandoned shall be promptly plugged as prescribed by the Inspector. Applications to plug shall set forth reasons for plugging; a detailed statement of the proposed work including kind, location, and length of plugs (by depth), plans for mudding and cementing, testing, parting and removing casing; and any other pertinent information: *Provided,* The Superintendent, or his designated representative, may give oral permission and instructions pending receipt of a written application to plug a newly drilled hole. Lessee shall remit a fee of $15 with each written application for authority to plug a well, such fee to be refunded if permission is not granted.

(c) Lessee shall plug and fill all dry or abandoned wells in a manner to confine the fluid in each formation bearing fresh water, oil, gas, and other minerals, and to protect it against invasion of fluids from other sources. Mud-laden fluid, cement, and other plugs shall be used to fill the hole from bottom to top: *Provided,* If a satisfactory agreement is reached between Lessee and the surface owner, subject to approval of the Superintendent, Lessee may condition the well for use as a fresh water well and shall so indicate on the plugging record. The manner in which plugging materials shall be introduced and the type of materials so used shall be subject to the approval of the Inspector. Within 10 days after plugging, Lessee shall file with the Superintendent a complete report of the plugging of each well. When any well is plugged and abandoned Lessee shall, within 90 days, clean up the premises around such well to the satisfaction of the Superintendent or his authorized representative: *Provided,* That the 90-day period may be extended a reasonable time in the discretion of the Superintendent.

(d) In event Lessee shall fail to plug properly any dry or abandoned well in accordance with the regulations in this part, the Superintendent may, after 5 days' notice to the parties in interest, plug such well at the expense of Lessee or his surety plus an additional 25 percent to cover administrative costs.

§§ 183.82–183.84 [Revoked]

2. Sections 183.82, 183.83, and 183.84 are superseded by the amendment in item 1 above, and are revoked.

3. Section 183.91(a)(10) is revised to read as follows:

§ 183.91 Amount of penalties.

* * * * *

(a) * * *

(10) For failure to file plugging reports as required by § 183.81 and for failure to file reports, and remit royalties required by § 183.45, $5 a day for the first violation and $10 a day for each violation thereafter.

* * * * *

[F.R. Doc. 67-6691; Filed, June 14, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 267—ENGINEERING DATA FILES

The Director of Defense Research and Engineering and the Assistant Secretary of Defense (Installations and Logistics) approved the following on April 13, 1967:

Sec.
267.1 Purpose and objectives.
267.2 Applicability and scope.
267.3 Definitions.
267.4 Concept.
267.5 Responsibilities.
267.6 Effective date and implementation.

AUTHORITY: The provisions of this Part 267 issued under 5 U.S.C. 301.

§ 267.1 Purpose and objectives.

This part supplements DoD Directive 4120.3, "Defense Standardization Program," dated April 23, 1965, by assigning responsibilities to Department of Defense components for developing and applying uniform management and distribution techniques to DoD engineering data which will:

(a) Assure their availability to scientists, engineers, and other personnel engaged in research, development, test, evaluation, procurement, production, supply, and maintenance functions.

(b) Assure the rapid distribution of high quality, reliable data both within the DoD and to eligible industry groups subject to considerations of security; limited rights of the Federal Government; reimbursement costs, where appropriate; and DoD policies governing public release (see DoD Directive 5100.36, "DoD Technical Information," dated Dec. 31, 1962).

(c) Establish a broader engineering data base.

(d) Enlarge the opportunities for achieving improved design, standardization, competitive procurement, and item entry control objectives set forth in DoD Directive 4120.3, "Defense Standardization Program," dated April 23, 1965, and DoD Instruction 4120.8, "Use of Standardization Documents Issued by Industry Groups," dated August 9, 1960 (25 F.R. 8606), and encourage the reuse of previous design solutions.

(e) Facilitate and encourage the development, promotion, and use by industry groups of improved engineering data systems and techniques.

(f) Provide a basis for the development and use of improved engineering data retrieval systems throughout the defense community.

(g) Establish the users' confidence in the technical validity and integrity of DoD-controlled engineering data to insure its reuse in furtherance of DoD objectives.

§ 267.2 Applicability and scope.

The provisions of this part apply to all DoD components engaged in research, development, test, and evaluation (RDT&E), procurement, production, and supply activities involving the following types of engineering data.

(a) *Formally approved engineering data.* All engineering documentation subjected to formal development and review by one or more DoD components (see DoD Directive 4120.3, "Defense Standardization Program," dated Apr. 23, 1965, and DoD Instruction 4120.8, "Use of Standardization Documents Issued by Industry Groups," dated Aug. 9, 1960 (25 F.R. 8606)). Typical examples are:

(1) Standards: (i) Federal and Military standards.

(ii) DoD-approved industry standards.

(2) Specifications: (i) Federal and Military specifications.

(ii) DoD-approved industry specifications.

(3) Military handbooks.

(4) Qualified products lists.

(b) *Additional engineering data.* Other engineering documentation not now subject to formal standardization development and review processes may be included upon establishment of the necessary procedures and controls (see § 267.5(a)). Examples of such documentation are:

(1) Engineering drawings.

(2) Design data sheets.

(3) Other contractor-prepared documents.

§ 267.3 Definitions.

(a) *Engineering data.* (1) That portion of technical data contained in documents prepared by a design activity to disclose and describe configuration, design form and fit, performance, operation, reliability, maintainability, quality control, or other engineering features of items, materials, methods, practices, procedures, processes, and services.

(2) The principal documentation of engineering data occurs in standards, specifications, engineering drawings, associated lists (lists of material, parts lists, data lists, and index lists), item data sheets, performance parameters, test procedures or reports, engineering configuration changes, and other documents providing design data or design disclosure.

(b) *Data management.* The function of determining and validating data requirements, planning for the timely and economical acquisition of data, and insuring the adequacy and availability of acquired data for their intended use.

(c) *Data retrieval systems.* Manual or mechanized methods for the recovery of selected data from a collection of like data for the purpose of obtaining specific information. Retrieval includes all the procedures used to identify, search, find, and remove specific information or data stored. It excludes both the creation and the use of the data.

§ 267.4 Concept.

For maximum applicability, engineering data used by scientists, engineers, and other personnel engaged in research, development, test, evaluation, procurement, production, supply, and maintenance functions must be accurate, current, and properly organized.

(a) To achieve this objective, current DoD procedures (see DoD Directive 4120.3, "Defense Standardization Program," dated Apr. 23, 1965, DoD Instruction 5010.11, "Improved Management of Technical Logistics Data and Information," dated Feb. 25, 1964, and DoD Instruction 5010.12, "Technical Data and Information; Determination of Requirements and Procurement of," dated May 27, 1964), governing the generation, coordination, reproduction, and distribution of Military specifications and standards are extended to cover the engineering documentation data covered by this part.

(b) As additional engineering data files are developed and maintained by responsible DoD components (see § 267.5 (c)), they shall be incorporated in the documentation files of the Navy Publications and Printing Office to enable DoD components to refer to specific documentation "titles" or "numbers" in requests for proposals, contracts, and specifications.

§ 267.5 Responsibilities.

(a) The Director of the Office of Technical Data and Standardization Policy who is the Functional Manager for the Defense Standardization Program (see DoD Directive 4120.3, "Defense Standardization Program," dated Apr. 23, 1965, and DoD Instruction 5010.13, "Technical Data and Standardization Management," dated Dec. 28, 1964) will provide leadership and program guidance to DoD components to assure compliance with the provisions of this Instruction throughout the Department of Defense, including:

(1) A review of DoD and applicable non-DoD engineering documentation data to determine their suitability and/or potential for organizing into Engineering Data Files under the terms of this part;

(2) Establishment of quality, reliability, and currency criteria for the engineering documentation data selected for assembling into Engineering Data Files;

(3) Assignment of responsibilities to DoD components, when appropriate, for the development and maintenance of designated Engineering Data Files for joint use by all DoD components; and,

(4) Surveillance to assure effective utilization of the Engineering Data Files to satisfy DoD objectives stated in § 267.1.

(b) Heads of DoD components will:

(1) Establish procedures, consistent with this part and its implementing documents (see § 267.6), governing the review, approval, and release of engineering data with reuse potential.

(2) Exercise sufficient discipline over the technical adequacy, quality, reliability, and currency of Engineering Data Files to permit (i) the Department of the Navy to develop the operating procedures referred to in paragraph (c)(1) of this section, and (ii) other DoD components to reference these data by "title" or "number" in requests for proposals, contracts, and specifications, rather than providing actual copies of this material.

(c) Under the direction of the Secretary of the Navy, or his designee for the purpose, the Headquarters, Navy Publications and Printing Service, will:

(1) Establish operating procedures, in coordination with ODDR&E, OASD (I&L), Military Departments, and Defense Agencies, governing the indexing, publishing, and distributing (including selling) of engineering data received from releasing DoD components.

(2) Release one (1) copy of all such data on receipt to each of the firms which has been certified (see paragraph (d) of this section) to be qualified to organize, index and distribute engineering data via mechanized retrieval systems throughout the Department of Defense, its components and its contractors.

(3) The Navy Publications and Printing Service Office (Philadelphia, Pa.) will:

(i) Assemble and provide to qualified receipients machine-readable indexes and other documented material; and,

(ii) Establish fee charges, where appropriate, to cover the full cost of such machine-oriented services, in accordance with the provisions of DoD Instruction 7230.7, "User Charges," dated December 20, 1966 (32 F.R. 6025).

(d) The Director of Technical Information, ODDR&E, who is the Functional Manager for Technical Data Systems (see DoD Instruction 5010.13, "Technical Data and Standardization Management," dated Dec. 28, 1964), will:

(1) Provide a certified list of firms qualified to provide machine-assisted engineering data services to DoD components, contractors, and subcontractors. This certification shall include:

(i) A demonstration of the technical feasibility of each firm's approach, and assurance that the distribution and retrieval system can adequately serve the intended purpose; and,

(ii) A review of each firm's maintenance of performance to insure that the technical adequacy and currency of the data is maintained at levels sufficient to sustain a certification.

(2) Assemble and maintain a current list of such firms.

§ 267.6 Effective date and implementation.

This part is effective immediately. Procedures required to implement this part shall be published in the Standardization Manual, 4120.3-M, authorized under DoD Directive 4120.3, "Defense Standardization Program," dated April 23, 1965.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-6639; Filed, June 14, 1967; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 707—DISTINCTIVE LIGHTS AUTHORIZED FOR SUBMARINES

Display by Submarines

Scope and purpose. Part 707 is amended to reflect a change in the vertical placement of the submarine identification light.

Section 707.1 is amended by revising paragraph (c) to read as follows:

§ 707.1 Display of distinctive lights by submarines.

* * * * *

(c) U.S. submarines may therefore display an amber rotating light producing 90 flashes per minute visible all around the horizon at a distance of at least 3 miles, the light to be located not less than 2 feet, and not more than 6 feet, above the masthead light.

(Sec. 1 (art. 13), 30 Stat. 93, sec. 4 (rule 13(a)), 77 Stat. 203; 33 U.S.C. 182, 1073(a))

Dated: June 9, 1967.

By direction of the Secretary of the Navy.

[SEAL] R. H. HARE,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 67-6751; Filed, June 14, 1967; 8:50 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 67-39]

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Subpart C—Establishment of Pools by Voluntary Associations of U.S. Registered Pilots

WORKING RULES OF LAKES PILOT ASSOCIATION, INC., PORT HURON, MICH., APPROVED

The Secretary of Transportation has delegated to the Commandant, U.S. Coast Guard, all authorities and responsibilities in connection with the administration of the Great Lakes Pilotage Act of 1960 (P.L. 86-555, 74 Stat. 259, 46 U.S.C. 216 et seq.), with the exception of section 5 of the Act (46 U.S.C. 216c), the authority to establish appropriate rates and charges for pilotage services in conjunction with Canada. The Department of Transportation Act (P.L. 89-670, 80 Stat. 931-950), subsection 6(a)(4), transferred the functions, powers, and duties of the Secretary of Commerce and other offices and officers under the Great Lakes Pilotage Act of 1960, as amended, to the Secretary of Transportation. The Secretary of Transportation by Department of Transportation Order 1100.1, dated March 31, 1967, 49 CFR Part 1 (32 F.R. 5606-5610, 49 CFR 1.4(a)(1)), described the delegations of authority made by him to provide for the continued exercise of the functions, powers, and duties transferred by the Department of Transportation Act. The Commandant, U.S. Coast Guard, has assumed responsibility for the performance of the dele-

gated functions and administration of the Great Lakes Pilotage Act of 1960. The functions of the Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce, are now performed by the Commandant (CCS–3), U.S. Coast Guard, Department of Transportation. The Commandant has assigned the primary responsibility for the administration of these functions, except those functions performed previously by the Coast Guard, to the Director, Great Lakes Pilotage Staff. Correspondence formerly directed to the "Administrator" should be directed to the "Commandant (CCS–3), U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591."

The Commandant, U.S. Coast Guard, by an order published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5611), announced the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which have been issued, made, granted, or allowed prior to April 1, 1967, under the Great Lakes Pilotage Act of 1960, as amended, as adopted and affirmed and shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority. The rules and regulations in 46 CFR Chapter III are continued in effect, except for the changes in administration as indicated in this document. When the study and review of these rules and regulations are completed, the detailed amendatory changes in names, etc., will be published.

The Working Rules for District No. 2, amended and adopted by the Lakes Pilot Association, Inc., Port Huron, Mich., are hereby approved as of May 15, 1967, and the amendment to 46 CFR 402.320(a)(3) is to announce this action.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by the Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(1), 32 F.R. 5606), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective upon the date of publication in the FEDERAL REGISTER or the date set forth in the regulations:

1. The heading of Chapter III shall be as set forth above.

2. The authority for Part 402 is amended to read as follows:

AUTHORITY: The provisions of this Part 402 issued under sec. 4, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 936; 46 U.S.C. 216b; Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(1), 32 F.R. 5606.

3. Section 402.320(a)(3) is amended to read as follows:

§ 402.320 Working rules.

(a) * * *

(3) The Working Rules for District No. 2, amended and adopted by the Lakes Pilot Association, Inc., Port Huron, Mich., approved as of May 15, 1967.

* * * * *

Dated: June 12, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-6739; Filed, June 14, 1967; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

MISSISSIPPI

County; place for filing; beginning date.
* * * * *
Issaquena; Mayersville—trailer at Post Office; June 15, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director, Bureau of Management Services.

[F.R. Doc. 67-6788; Filed, June 14, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1034]

[Docket No. AO 175-A25]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dayton-Springfield, Ohio, on January 10-12, 1967, pursuant to notice thereof which was issued December 14, 1966 (31 F.R. 16204).

The material issues on the record of the hearing relate to:

1. Equivalent prices;
2. Expanding the marketing area;
3. Milk to be priced and pooled;
4. Classification and allocation;
5. Class prices and location differentials; and
6. Revising and reissuing the entire order (to apply to the "Miami Valley, Ohio marketing area") and incorporating a number of other clarifying and conforming changes in the administrative provisions of the order.

Separate consideration was given in an earlier decision issued on February 15, 1967 (32 F.R. 3064) to Issue No. 1 "Equivalent Prices" and an "equivalent prices" provision was made effective in the Dayton-Springfield order on February 28, 1967, and is included also in the order which is part of this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Basis for an expanded marketing area.* The order for the current Dayton-Springfield, Ohio, market should be expanded to include all territory geographically within the seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio. The expanded marketing area would be renamed as the "Miami Valley, Ohio, marketing area". The enlarged marketing area should include all reservations, installations, institutions, or other similar establishments therein which are occupied by municipal, State, or Federal authorities. Marketing conditions throughout such expanded marketing area are such that the purposes of the Act will be served by their inclusion under the regulation.

The handling of milk in the proposed Miami Valley, Ohio, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is substantial competition for route sales of fluid milk products between persons to be regulated by the proposed Miami Valley order and handlers under other orders. Distribution is made in the proposed marketing area by handlers regulated under the Northwestern Ohio, Greater Cincinnati, Indianapolis, Northeastern Ohio, and Columbus orders. These marketing areas include territories in the States of Michigan, Indiana, Kentucky, and Ohio. Milk used for fluid milk and milk products under each of the latter orders is in the current of, or burdens or affects interstate commerce in milk or its products.

One handler presently regulated under the Dayton-Springfield order distributes packaged sterilized cream products in the proposed area which are purchased from a firm in California. Moreover, fluid milk products distributed by persons not under regulation at present are in direct competition in the fluid trade within the proposed marketing area with milk bottled and distributed by handlers from the Dayton-Springfield market and the above markets.

Dayton-Springfield handlers receive their producer supplies of milk from farms located in Indiana and Ohio which milk is commingled in most plants serving the proposed area. Substantial amounts of producer milk in excess of regulated handlers' fluid milk requirements also are regularly moved to the principal cooperative's plant in Dayton for manufacture into nonfat dry milk which is disposed of in a market of national scope.

A primary purpose of a Federal order is to assure orderly marketing conditions for milk producers. Pursuant to statutory authority this is accomplished by establishing minimum uniform prices to be paid by handlers according to the use made of milk received, and a uniform basis for distributing returns to the producers for their milk.

Not all milk distributed in the proposed expanded area is under a classified price plan which insures uniformity of pricing for persons similarly situated. In the case of unregulated milk, prices to producers presently reflect the particular bargaining situation of individual producers, or groups of producers, and the persons to whom they sell. Generally, the unregulated distributors distributing milk therein pay their dairy farmers a price equivalent to, or slightly higher than, the Dayton-Springfield blend price. These prices are not closely related to the use made of the milk since practically all the milk of the unregulated distributors is in Class I. Other handlers in the market, however, must pay minimum Class I prices as determined under the Dayton-Springfield or some other Federal order.

The order included herein for the expanded marketing area will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions, and thus provide the basis for insuring an adequate and dependable supply of milk for consumers, as further discussed below. The principal measures to be employed for this purpose are:

(1) The determination of minimum prices to producers delivering to handlers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(2) The establishment of uniform pricing to all handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(3) An impartial audit of handlers' records of receipts and utilization to insure uniform prices for milk purchased;

(4) Assurance of accurate weights and tests of the milk of all producers;

(5) Provision for payment of uniform prices to producers supplying the market based upon an equitable sharing by all producers of both the higher returns from Class I milk and the lower returns from the sale of reserve milk; and

(6) Publication of information on milk receipts and sales and other data relating to milk marketing in the area.

The present Dayton-Springfield, Ohio, marketing area consists of the cities of Dayton, Oakwood, and Springfield and 11 specified townships in Clark, Greene, and Montgomery Counties, Ohio.

The major cooperative association in the market proposed extending the marketing area to include the 11 counties of Auglaize, Champaign, Clark, Darke, Greene, Logan, Mercer, Miami, Montgomery, Preble, and Shelby, Ohio. Four of the presently regulated handlers supported the producers' proposal and proposed also the inclusion of the counties of Clinton, Highland, and Ross, Ohio.

Proponent cooperative stated that its proposal to expand the marketing area is designed to include practically the entire sales area of presently regulated Dayton-Springfield handlers. They pointed out that such handlers' distribution routes now extend into all of the proposed counties and are not limited to the cities and townships in the present Dayton-Springfield marketing area. Since the establishment of the present marketing area in 1945, a substantial population growth has occurred in certain of these outlying areas and handlers' routes have followed this growth.

The association proposed inclusion of the 11 counties for the further purpose of assuring regulation under the Miami Valley order of the bulk of its members' milk and in the interest of uniform pricing among producers throughout the area. The association stated that in pursuit of these objectives its bottling plant located within the proposed marketing area at Greenville in Darke County (approximately 37 miles from Dayton), should be regulated under the Miami Valley order rather than under the Indianapolis order as at present in order that producers at that plant may receive a minimum uniform price comparable to that in the Dayton-Springfield milkshed where supplies for such plant are produced.

Unregulated distributors with plants at Bellefontaine, Minster, Sidney, Hillsboro, and Chillicothe, a cooperative association at Cincinnati, and a handler regulated under the Tri-State order were opposed to certain of the proposals for expansion. A handler located at Yellow Springs, Ohio (Greene County), requested exemption from regulation for raw milk bottled on his farm in the event of expansion of the regulation so as to cover his operation.

The two distributors at Sidney and Minster testified in opposition to expansion of the marketing area in any manner which would regulate their operations. They stated their belief that they would be unable to continue in business if required to pay class prices and make the necessary reports to the market administrator. They asserted that stable marketing conditions presently prevail in their area that supplies are adequate, and that their dairy farmers are satisfied with present pricing policy. In his brief, a Bellefontaine distributor proposed exclusion of Logan, Mercer, and Miami Counties from the marketing area. He supported the position taken by the other two distributors and contended that their supplies of milk could be jeopardized if the area were so expanded. Certain dairy farmers at these plants supported the position of their distributors.

The seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio, which is herein proposed as the Miami Valley marketing area, represents the principal sales area of the handlers now regulated by the Dayton-Springfield order. They distribute, in the aggregate, over 77 percent of the milk sold for fluid consumption in this area.

The marketing area should be defined mainly on the basis of county rather than city or township lines because much of the population is outside the several sizable cities located within such seven-county area. The 1966 population for the area adopted was about 1.1 million as compared to a population of about 600,000 for the present Dayton-Springfield marketing area. The sanitary requirements of the State of Ohio, which are patterned after the U.S. Public Health Ordinance and Code, now apply to milk for human consumption throughout both the present and the expanded marketing areas.

The proposed area, which extends out from Dayton and Springfield, is located in between the marketing areas of the Columbus, Ohio, order on the east, the Greater Cincinnati order on the south, and the Indianapolis order on the west. Handlers from all these markets distribute fluid milk products in the proposed Miami Valley marketing area but not to the same extent as present Dayton-Springfield handler or the unregulated distributors with Class I sales in the area.

Montgomery, Greene, and Clark Counties, which include all the territory within the present marketing area, are served primarily by Dayton-Springfield regulated handlers. They distribute about 82 percent of the bottled milk for these counties. Except for minor sales made by one unregulated distributor, consisting of his own production and packaged fluid milk products purchased from a regulated plant, the remaining sales are made by handlers regulated under other Federal orders, including the Indianapolis regulated distributing plant of the Miami Valley Cooperative Milk Producers at Greenville, Ohio.

Class I sales in Champaign, Miami, and Preble Counties also are made mainly by handlers under the Dayton-Springfield order. These counties represent an area of urban expansion from the more heavily populated counties of Montgomery, Greene and Clark. In fact, over 90 percent of the total population for the entire area to be regulated is concentrated in the four counties of Clark, Greene, Miami, and Montgomery which include Dayton and Springfield and their environs. The Class I distribution of Dayton-Springfield handlers represent in total over one-half of the Class I consumption in these counties. As to the individual counties, such handlers distribute about 66 percent of the total fluid milk sold in Champaign County, 47 percent in Miami County, and 44 percent in Preble County. While Dayton-Springfield handlers are, for the most part, the dominant sellers in the three counties, additional Class I sales are made in each of these counties by other regulated handlers from at least one of the Greater Cincinnati, Indianapolis, Northeastern Ohio, Northwestern Ohio, and Columbus, Ohio, markets.

Class I sales of Dayton-Springfield handlers and other order handler together represent more than 72 percent of total Class I sales in Champaign County, and 69 percent in Miami County. All Class I sales in Preble County are by Dayton-Springfield or Indianapolis handlers.

A handler proposal would add Clinton, Highland, and Ross Counties to the marketing area. This proposal should be adopted only with respect to the area in Clinton County exclusive of the townships of Clark, Green, Jefferson, and Washington.

Dayton-Springfield handlers supported addition of the three counties on the basis that they regularly distribute Class I milk in such counties. It was their general position that full regulation of local distributors in such counties, who are currently "partially regulated" under the Greater Cincinnati order, would result in more uniform and stable selling prices of bottled milk by all persons distributing milk in such counties. The principal cooperative supported this proposal.

Four Dayton-Springfield regulated handlers distribute 57 percent of the total fluid milk sales in Clinton County. One such handler has a distributing plant at Dayton and a distribution point and cottage cheese manufacturing plant at Washington Court House. About 30 percent of the sales for the entire county are made by Cincinnati regulated handlers.

When the four townships of Clark, Green, Jefferson, and Washington, in the southeastern portion of Clinton County, are excluded, the majority of sales in the balance of the county is made by the Dayton-Springfield handlers and the remainder by Cincinnati regulated handlers. The inclusion of the area in Clinton County outside the four townships will contribute to orderly marketing conditions by assuring classified pricing as to all milk which may be distributed in this area primarily served by Dayton-Springfield handlers.

The seven counties (excluding the southern four townships of Clinton County) discussed above when taken together form a contiguous area in which handlers who would be regulated by the order handle about 80 percent of the total Class I sales. Most of the remaining sales are made from plants regulated by other Federal orders. Expansion of the marketing area to include the seven counties is necessary to assure Dayton-Springfield handlers that as to their primary areas of distribution, presently unregulated competitors will not be afforded significant price advantage in the purchase of milk for fluid sale. Orderly marketing will be promoted through application of classified pricing.

It is therefore concluded that the expanded area should include Champaign, Clark, Clinton (excluding the previously

named townships) Greene, Miami, Montgomery, and Preble Counties.

Two local distributors, located at Hillsboro (Highland County) and Chillicothe (Ross County) presented opposition testimony on Clinton, Highland, and Ross Counties. As to Clinton County they particularly opposed inclusion of the four above-named townships. They requested that if such areas were to be included, the hearing be reopened to consider also the addition of Adams and Brown Counties which are an important part of their sales areas. There were no proposals for the addition of the latter counties before this hearing, however.

The Hillsboro and Chillicothe distributors opposed inclusion of Highland and Ross Counties on the following grounds:

1. The substantial quantities of milk they distribute in other unregulated areas (Adams and Brown Counties) are in competition with milk of an unregulated distributor there and with milk of other order handlers.

2. They are not a part of the Dayton-Springfield "market system" since, unlike most Dayton-Springfield handlers, they do not, and are not situated so as to rely on the Dayton cooperative to take unneeded reserve supplies of milk or to furnish them with supplemental supplies.

3. Very few dairy farmers in the supply area for these distributors ship to Dayton-Springfield handlers but rather are identified with the Columbus, Tri-State, and Cincinnati markets.

4. Highland and Ross Counties are rural with low population density, and are at some distance from the main centers of the proposed Miami Valley market.

5. Class I sales by Dayton-Springfield handlers represent far less than a majority of the sales made in these counties. It was contended that surveys of Dayton-Springfield handler sales in the two counties introduced into the record by proponent handlers tend to overstate such sales because the data used to indicate total consumption in this rural area reflected consumption studies in urban areas of characteristically higher per capita consumption than rural counties

6. These counties should remain as a buffer zone between the Columbus, Tri-State, Greater Cincinnati, and Dayton-Springfield markets.

A representative of a cooperative association in the Greater Cincinnati market also opposed the addition of Clinton and Highland Counties and a regulated handler under the Tri-State order opposed the addition of Ross County. From a survey of distributor brands of fluid milk products in stores in selected cities and towns in Clinton and Highland Counties, the Cincinnati representative estimated that about 63 percent of the sales in the two counties were made by Cincinnati regulated handlers, 16 percent by Dayton-Springfield regulated handlers, and 16 percent by unregulated distributors. It was his conclusion that with Cincinnati handlers representing such a large percentage of sales in these counties, orderly marketing would not be best served by their inclusion in the Miami Valley marketing area.

The Tri-State handler proposed that if Highland and Ross Counties were added to the proposed Miami Valley market, consideration should be given to withdrawing Scioto and Pike Counties from the Tri-State marketing area and including such counties together with Adams County in the Miami Valley marketing area because of the close relationship between Highland and Ross Counties and such other areas.

Proponent handlers for expanding the area to include Highland and Ross Counties claimed to distribute in total about 34 and 41 percent, respectively, of the Class I sales in such counties. The Hillsboro distributor estimated, on the other hand, that as to Highland County, Dayton-Springfield handlers distribute only 23 percent of the total Class I sales. The Chillicothe and Hillsboro distributors stated their distribution as about 44 percent of the total Class I sales in Highland County compared to a figure of 37 percent submitted by proponent handlers. In Highland County, sales also are made by two handlers under the Columbus, Ohio, order and by three handlers under the Greater Cincinnati order. Proponent handlers estimated further that the local distributors make 33 percent of the sales in Ross County. Sales in Ross County are made also by two handlers under the Columbus, Ohio, order, a handler under the Greater Cincinnati order, and two handlers under the Tri-State order. Dayton-Springfield handler distribution represents substantially less than a majority of Class I sales in each of Highland and Ross Counties, and in the aggregate such sales amount to less than 2 percent of the total Class I sales of the Dayton-Springfield market.

The local distributor at Chillicothe does not distribute outside Ross County but bottles some milk for the Hillsboro distributor and for a distributor at Georgetown, Ohio, partially owned by the Hillsboro distributor. The Hillsboro distributor processes and packages some milk for the Chillicothe distributor and for the Georgetown distributor which milk is sold primarily in unregulated areas in southern Ohio. The Hillsboro distributor also packages Class I milk for a Columbus regulated handler at Washington Court House.

The sales area of the Hillsboro distributor extends south into Adams, Brown, Clark, and Pike Counties, which were not proposed to be added to the Miami Valley marketing area. This distributor sells about 37 percent of his own Class I sales in Adams and Brown Counties, plus about 15 percent of the Class I milk of the Chillicothe distributor. The Georgetown distributor who buys his entire supply of bottled milk from the two local distributors also makes sales in Adams and Brown Counties, in Highland County, and in several townships of Clermont County (Greater Cincinnati marketing area). The Columbus handler at Washington Court House distributes milk in Fayette (Columbus, Ohio, marketing area) and Highland Counties.

The partial regulation of the local plants at Chillicothe and Hillsboro under the Greater Cincinnati order at the present time indicates a relationship to that market at least as strong as that shown with the present Dayton-Springfield market. Moreover, the principal sellers in Highland and Ross Counties also distribute a substantial portion of their Class I sales in the unregulated counties of Adams and Brown not under consideration at this time. In view of these considerations, the Miami Valley marketing area should not be extended to include the four named townships in Clinton County or Highland and Ross Counties on the basis of this record.

As previously noted, the producer's proposal would also expand the marketing area to include five less intensely populated counties, Auglaize, Darke, Logan, Mercer, and Shelby, generally north and west of the marketing area herein adopted. In these counties there are only three cities exceeding a population of 10,000, Sidney (Shelby County), Greenville (Darke County) and Bellefontaine (Logan County). Furthermore, the total population of only one county, Darke (47,800), exceeds 40,000.

Sales in this five-county area are made by four unregulated distributors, certain Dayton-Springfield regulated handlers and regulated handlers from the Indianapolis, Northwestern Ohio, Northeastern Ohio, Greater Cincinnati, and Columbus, Ohio, markets. Two of the unregulated distributors, with relatively low volume plants at Minster and Sidney, Ohio, distribute practically their entire Class I sales within this five-county area. The unregulated distributor at Bellefontaine (Logan County) also distributes milk in at least one of these counties. A fourth unregulated distributor from Van Wert distributes minor volumes of Class I milk in Auglaize County.

Three Dayton-Springfield handlers distribute about 32 percent of the total fluid milk sold in Auglaize County, 37 percent in Darke County, 33 percent in Logan County, 70 percent in Mercer County and 46 percent in Shelby County. The principal Dayton-Springfield handler in this area distributes milk from a plant at New Bremen (Auglaize County). In the aggregate Dayton-Springfield regulated handlers distribute about 10 percent of their total Class I milk volume in this area.

A principal distributor in four of these counties is the cooperative's Indianapolis regulated Greenville plant which distributes about 47 percent of the total Class I milk sold in Darke County, 11 percent in Auglaize, 9 percent in Mercer County, 4 percent in Shelby County and 2 percent in Logan. The Greenville distributing plant is located in Darke County near the Ohio-Indiana State boundary. About 85 percent of the milk handled by the Greenville plant is for fluid milk products. A large proportion of its Class I sales are made to a grocery chain which moves the milk to a distribution center in the Indianapolis marketing area, most of which is distributed

through its stores in eastern Indiana. The Indianapolis Class I price is subject to a minus 13-cent location adjustment at the Greenville location.

The cooperative, in proposing expansion of the marketing area, stressed the importance of achieving uniformity of pricing throughout the area it proposed. Fundamental to achieving reasonable uniformity of pricing in these five counties, however, is the regulation of the cooperative's Greenville distributing plant under the expanded Miami Valley order rather than under the Indianapolis order. However, this record gives no assurance that even if these five counties were included such plant would become subject to regulation under the Miami Valley order on the customary criterion of making greater sales in the Miami Valley marketing area than in the Indianapolis marketing area.

The average of Class I prices for 1965–66 at the Greenville distributing plant was about 25 cents less than the applicable price for Dayton-Springfield handlers. We see no purpose in including these counties unless there is opportunity to achieve greater price uniformity than currently prevails. It seems unlikely that this could be accomplished without regulating the Greenville plant, a major distributor in these counties, under this order. Under present circumstances this would require making the Greenville plant a "captive" plant under this order.

There were no problems presented which would justify such action. Competitive problems in selling milk in the five counties were not stressed by proponent or by any other handler and the record shows no appreciable adverse effect on producer returns. Rather, the cooperative stressed mainly that internal administrative and operational problems of the cooperative involving its Greenville and Dayton plants could be minimized if both plants were under a single regulation.

In view of the above considerations it is therefore concluded that the proposed inclusion of Auglaize, Darke, Logan, Mercer, and Shelby Counties should be denied.

Although some of the route disposition of handlers to be regulated will extend beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to stretch the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it will encompass the great bulk of the fluid milk sales of handlers to be regulated.

All producer milk received at regulated plants must be made subject to classified pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

In the course of operation of the order the question could arise as to whether territory within the boundaries of the designated marketing areas which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments is considered to be within the marketing area. In order that there will be no doubt as to the scope of the marketing area, the definition states that the marketing area shall include any territory wholly or partly therein which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments.

3. *Milk to be priced and pooled.* In general terms, milk produced in compliance with the Grade A inspection requirements of a duly constituted health authority which is received regularly at plants primarily engaged in processing milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants, should be made subject to pricing and pooling.

The following principal definitions included in the attached order serve to identify the specific types of milk and milk products to be subject to full regulation, and those persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are: "Route disposition", "distributing plant", "supply plant", "pool plant", and "nonpool plant". Definitions of persons include: "Producer", "handler", and "producer-handler". Definitions relating to milk and milk products are: "Producer milk", "fluid milk products", and "other source milk". The application of certain of these definitions is discussed in detail. Other definitions used are deemed to be self-explanatory.

Pool plants. It is essential to the operation of the order to distinguish between those plants substantially engaged in serving the fluid needs of the regulated market and those plants which are not.

It is particularly important to establish minimum performance standards for plants which serve the market in a way, or to a degree, that they should be included in the market pool which provides the means of paying uniform returns to all producers on the market. This is one of the essential means of assuring the market of adequate and dependable supplies of milk. Otherwise the proceeds of the higher Class I price for milk sold in the fluid market would be dissipated on milk acquired by handlers primarily for manufacturing purposes and not go to the primary purpose of assuring an adequate and dependable supply for the fluid market.

The marketing performance standards also serve to minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. As described elsewhere, such handlers would be made subject to partial regulation. Nevertheless, any plant, wherever located, may qualify as a pool plant if it meets the marketing performance standards for regulation. These standards are similar for all plants similarly circumstanced.

Pool distributing plant. Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards for pooling are provided.

To qualify as a pool plant, a distributing plant would be required to meet performance standards as to both the proportion of its supply used in fluid disposition and its disposition in the marketing area. Thus, pool distributing plants would include only those plants primarily engaged in route distribution of fluid milk products. The plant's total route distribution both inside and outside the marketing area should be at least 50 percent of its receipts of Grade A milk from dairy farmers, from other plants, and from cooperatives as handlers during the month. As to route disposition in the marketing area it should be at least 15 percent of the plant's total route disposition in all markets.

The principal cooperative proposed a somewhat different basis for pooling. It proposed that a distributing plant's Class I total route sales should amount to at least 50 percent of its dairy farm receipts during each month April through July and to at least 60 percent of such receipts during each month August through March. The main support for this proposal was a statistical table showing that, with the exception of one plant regulated by the present Dayton-Springfield order, all currently regulated plants reasonably could meet such proposed minimum performance requirements.

A handler proposal, one of three alternatives suggested, would modify the producers' method for pooling a distributing plant by permitting any such plant which has disposed of at least 50 percent of its receipts as route disposition in the marketing area for the months of August through April, to be automatically qualified for pooling May through

July. A second alternative would distinguish the separate parts of any pool distributing plant which processes Grade A milk and also has a Grade B manufacturing operation so as to regulate, as a pool plant, only that portion where Grade A milk may be processed. As a third alternative basis for pooling, this handler proposed combining the receipts and Class I utilization for distributing plants when two are operated in the market by the same handler, thus permitting determination of pooling status on the basis of the combined performance of the plants in meeting the minimum total utilization requirement.

These proposals were designed as alternative methods of assisting a pool distributing plant to receive milk from handlers and other nonproducer sources for manufacturing without jeopardizing its pool plant status.

Proponent handler operates two Dayton-Springfield regulated distributing plants, located at Dayton and New Bremen. The New Bremen plant receives about 12 percent of its total Class I sales in gallon and 10-quart dispenser units from its Dayton plant while the New Bremen plant supplies the Dayton plant with cottage cheese and related products. Proponent reasoned that a handler with plants presently in the market should not be forced by the order to reduce efficiency by having to divide operations so as to modify the total Class I percentage at each plant simply in order to meet the minimum performance standards on an individual plant basis.

The proposal to permit automatic pooling of distributing plants in certain months should be adopted subject to certain modifications. A distributing plant to qualify for automatic pooling during the months of March through July should be required to meet the 50 percent route disposition requirement for distributing plants during the preceding months of August through February. In addition, a distributing plant electing automatic pooling status during any of the months of March through July would be required to have route disposition of not less than 40 percent of its total receipts each month. Further, this type of distributing plant should be required to meet the minimum percentage of in-area route sales for each month. The additional requirement that a distributing plant make route disposition during each of the months of March through July would assure that the operation of the plant is primarily for the distribution of fluid milk products. The adoption of these requirements should promote the efficient handling of milk on the market by all handlers.

Proponent's two other alternative proposals for assuring pool plant status for its two distributing plants should not be adopted. The proposal to qualify distributing plants operated by the same handler on the basis of combined performance will not tend to insure that the pool is adequately protected from any dissipation of its funds by plants and dairy farmers not associated with this market. The alternative automatic pooling requirement provided herein for pooling distributing plants should permit continued pool distributing plant status for both plants of this handler. Thus, it is not readily apparent that the proposed system pooling of distributing plants would assure only necessary supplies of milk are associated with this market as effectively as the modification of the proposed automatic pooling requirements for distributing plant, as herein adopted.

The other alternative proposal, i.e., to separate the Grade A and Grade B operations of the plant, is not necessary to meet proponent's situation or any other situation indicated on the record. The need for such separation is avoided by considering only receipts directly from Grade A producers and receipts from any cooperative as a handler, as a base for determining the percentage of route disposition to receipts necessary for qualification as a pool distributing plant. Thus, all ungraded milk and milk received from other order handlers would be considered as other source milk.

These minimum pooling standards for a distributing plant are very similar to comparable provisions in orders for the nearby competing markets and will facilitate coordination in the marketing of milk from the same general supply areas.

The principal purpose of a minimum requirement on in-area distribution for pooling eligibility is to assure that the distributing plant is associated with the market in a significant and regular manner since the producers at pool plants are eligible to share in the monthly Class I proceeds of the market. Under the Dayton-Springfield order a distributing plant becomes regulated on the basis of any distribution within the marketing area. It is concluded, however, in consideration of the marketing area defined, that route disposition in the marketing area of 15 percent or more of the plant's total Class I route disposition will provide an appropriate measure of a plant's association with the market.

A distribution plant having more than 85 percent of its Class I route disposition outside the marketing area should not be considered substantially associated with this local fluid market and therefore should not be subject to full regulation. Full regulation in this circumstance is not necessary to achieve the ends of the regulation in this market.

The performance standards for pooling would not restrict any milk plant operator from disposing of any fluid milk product in the marketing area. Virtually any plant having more than minor, or accidental, association with the fluid milk market could be eligible for pooling. On the other hand, the operator of any plant only marginally associated with the fluid milk market has reasonable opportunity to make a choice of full or partial regulation, whichever might better serve his interest.

Limited quantities (as provided in the attached order) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it is concluded that in present circumstances the application of "partial" regulation to plants having less association than required for marketwide pooling (as later discussed) will not jeopardize marketing conditions within the regulated marketing area. Official notice was taken at the hearing of the June 19, 1964, decision (29 F.R. 8002) supporting amendments to several orders, including the Dayton-Springfield order, in which the matter of partial regulation was discussed.

The operator of any partially regulated plant would be afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk. They should be adopted in this order to complement the pooling requirements on fully regulated plants adopted herein.

Pool supply plant. A supply plant should be pooled in any month in which at least 50 percent of its receipts of Grade A milk from dairy farmers at such plant during the month is shipped as fluid milk products to pool distributing plants or is disposed of as route disposition within the marketing area from such plant during the month.

This basis of determining the pool plant status of a supply-type plant will provide reasonable assurance that only a supply plant which is clearly associated with this market rather than some other market will be subject to full regulation under this order.

A supply plant from which a lesser proportion of milk is received at pool distributing plants should not be considered as primarily associated with this market and therefore should not be fully regulated. On the other hand the higher percentage (65) proposed by producers is not necessary to insure a sufficient supply of milk for the market. At the present time, the market is mostly supplied with direct-shipped milk. There are no regular supplies which come from country supply plants. This market should be in a position to procure its needs if the minimum performance requirements are similar to those in other nearby regulated markets. A minimum percentage of 50 will place all such markets on substantially equal terms in this regard.

A supply plant which meets the 50 percent shipping standard during each of the months of August through March should be designated as a pool plant for the succeeding months of April through July (unless a written request for nonpool status is submitted to the market administrator) even though in such months such minimum shipping percentage is not met.

As previously stated, distributing plant operators in this market do not rely upon supply plants to any great extent since in most cases direct shipments from farms relatively close to the market are sufficient to fulfill their fluid needs, and especially so in the flush production months. In the circumstances, there is no apparent reason why the order should be constructed at this time so as to require the operator of a supply plant which may become a pool plant to make shipments of milk to pool distributing plants during the flush production months in order to maintain pool plant status. Such shipments might well be made at needless expense. A supply plant meeting the regular shipping requirements for pooling in each of the short production months of August through March would demonstrate its association with the market.

The definition of supply plant should accommodate the efficient operation of a cooperative's "balancing" or "supply equalization" plant. The major cooperative operates a supply equalization plant which assists it in providing proprietary handlers with whom it has selling arrangements for member milk the precise amounts of milk which such handlers require and in disposing of quantities which the latter do not require. Handlers' needs vary widely during the week, with supply requirements increasing on heavy bottling days and diminishing to little or no milk needs on other days, such as weekends, when no milk is bottled.

While the supply equalization plant is an integral part of the entire supply arrangement for this market, its receipts and shipments fluctuate in such a manner that it likely could not meet the normal minimum shipment requirements for a supply-type plant. The operation of such plant in this market, however, assists all producers in realizing the best possible utilization of milk.

Because of its important function such plant should be qualified for pooling. Since producer milk received at this plant represents, however, a relatively small portion of the total supply of the cooperative, the cooperative should have opportunity to qualify milk at such plant for pooling on the basis of the cooperative's total function of supplying handlers with milk. Because of the preeminence in this market of the bulk tank delivery method (primarily under the auspices of the cooperative) as the most efficient method of furnishing the primary needs of handlers, such direct-ship milk should count toward the qualification of the supply equalization plant.

Thus, if a cooperative furnishes to proprietary handlers under the order 50 percent or more of its total member milk either by direct delivery from farms or through its supply equalization plant, it should have the same opportunity of pooling the producer milk received at such plant as a regular supply plant which qualifies receipts by meeting the minimum shipping standard, even though a substantial portion of the milk received at the supply equalization plant is not actually delivered to other handlers during any given month. Such milk should be recognized as part of the total producer milk supply of the market.

Provision has been made where a cooperative equalization plant may elect nonpool plant status at any time that it does not meet the minimum shipping requirements for a pool supply plant. Obviously, a request for nonpool status would be made only under circumstances where the plant has acquired substantial Class I sales in another market. The order should not permit an association to pool its entire reserve milk supply in this manner, however, unless all the Class I sales associated with such reserves are also included in the market pool. Accordingly, provision is made that should an association elect nonpool plant status under this order for its supply equalization plant in any month, such plant should be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify as a pool supply plant under the regular shipping requirements of 50 percent of receipts from Grade A dairy farmers.

A particular distributing or supply plant may meet the pooling requirements of more than one Federal order. Generally speaking, when the pooling requirements of two orders are met the plant is regulated only under the order for the marketing area in which the greater volume of Class I sales are made from the plant. It is possible, however, that a distributing plant may have virtually the same volume of distribution in each of the two regulated markets, and with very minor changes in the proportions distributed in the two markets, the plant could be shifted from one regulation to the other on a month-to-month basis. This occurrence would not be in the interest of orderly marketing of producer milk.

It is concluded, therefore, that the general basis for regulatory treatment in such situations as provided in the current Dayton-Springfield order be adopted with certain modifications. A pool distributing plant which also meets the pooling requirements under another order would be pooled under this order if during the current month (1) it meets the pooling requirements, and (2) a greater volume of its fluid milk products is disposed of in the marketing area in the current month and for each of the three months immediately preceding.

Further, a supply plant which meets the pooling requirements under this order, as well as those of another order, would be exempt from this order unless the plant elects nonpool status under the other order. This will assure that any supply plant which may associate some milk with this pool will be regulated under this order only if it maintains a continuing association with the market. This is particularly important in view of automatic pooling privileges provided for certain months under nearby orders.

In both circumstances, the handler would be required to file receipts and use reports with respect to the plant and permit verification thereof by the market administrator, even though it may otherwise be exempt from this order.

The "nonpool plant" definition as presently included in the Dayton-Springfield order should be expanded to include a "partially-regulated distributing plant" and an "unregulated supply plant." Presently this definition includes an "other order plant" and a "producer-handler plant." Other findings with respect to such plants are included in another section of this decision. This term will facilitate reference to specific types of nonpool plants elsewhere in the order. The term applies to any milk manufacturing, processing, or distributing plant which is not a pool plant during the month.

The order also should contain a definition of "route disposition" to assist in the identification of those plants which are to be subject to regulation. "Route disposition" therefore is defined as any delivery of a fluid milk product classified as Class I to retail or wholesale outlets other than a pool plant or nonpool plant. Pickup by a vendor at a plant store or plant dock and sales through vending machines would be considered as route disposition from the plant where the milk was processed and packaged. This would apply also to fluid milk products custom-packaged for another handler. In addition, as to fluid milk products moved from a milk plant to a handler's distribution point, the distribution beyond any such point also would be considered as route disposition from the plant where packaged.

Definitions of persons. The term "handler" should be defined to include any person who operates a distributing plant or a supply plant. It also should include any cooperative association with respect to producer milk which it causes to be delivered by bulk tank to other handlers or which it diverts in accordance with terms set forth in the "producer milk" definition discussed elsewhere in these findings. A "producer-handler," and any person operating a nonpool plant categorized as a "partially regulated distributing plant" or an "other order plant," should be designated as a "handler" also.

Such a definition is necessary to designate those persons who must report the sources and the utilization of their Grade A milk supply, the handling of which (except in the case of a producer-handler) is to be regulated either partially or fully, and who are responsible for paying for milk in accordance with the terms of the order. This definition expands that of the present Dayton-Springfield order to designate persons operating certain categories of nonpool plants and to define the responsibility of cooperatives as to certain of their handling activities.

Milk for which a cooperative association is the responsible handler but which

is not delivered to another handler's pool plant remains the responsibility of the association in all respects—classification, accounting, and payment. Such milk could be that diverted for the account of the association, or shrinkage (in this instance the loss of volume between farm and plant) of farm bulk tank milk on which the basis of settlement with the pool plant operator was not at the farm weights and butterfat tests.

A producer-handler should be defined as any person who operates a dairy farm and a distributing plant and who receives fluid milk products only as milk from his own-farm production or from sources where priced as Class I under a Federal order. This definition conforms in principle to the definitions of producer-handler under other Federal orders. Producer-handlers are essentially exempt from regulation except for making reports to determine their status.

A producer-handler, as distinguished from a pool handler who would be fully regulated, distributes to retail or wholesale outlets milk which is mostly from his own-farm production. A pool handler, on the other hand, markets milk received from producers or from other pool plants. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition.

He is, therefore, generally in a position to adjust his farm production closely to the needs of his fluid milk business and, in turn, assumes himself the burden of maintaining the reserve supply of milk associated with his fluid milk operations. When an individual operates a dairy farm and a fluid milk business in such manner, it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price.

The situation in this market makes it appropriate that the producer-handler's exemption from pooling and pricing be contingent upon his meeting certain conditions. Such requirements are necessary to assure that his sale of milk will not have a disruptive effect on the orderly marketing of producer milk in the regulated market.

The definition, therefore, should clearly set forth the limits on the sources from which a person may receive milk and still retain producer-handler status. A producer-handler sometimes may need supplemental milk supplies to meet daily and seasonal changes in the demand for fluid milk. The terms adopted provide that the fluid milk supply of a producer-handler must be limited to his own-farm production and to receipts of fluid milk products priced as Class I milk under some Federal order which do not exceed 2,500 pounds per month. This will insure that the exempt producer-handler will be responsible for his own surplus but will permit the purchase of reasonable quantities of fluid milk products (approximately 40 quarts per day) to supplement his own production.

The definition should indicate clearly that such a person may not receive fluid milk products from nonregulated plants if he is to qualify for exempt status as a producer-handler. Milk in fluid form transferred to a producer-handler from any regulated plant is classified as Class I. It follows that any supplemental milk so purchased by a producer-handler will not represent a lower-priced source of supply as might be the case if he were permitted to purchase from unregulated nonpool plants and still retain his exempt status.

It is intended, therefore, that the exemption from pricing and pooling of such operations be limited to those who are primarily dependent on milk of their own production and assume the risk involved in the plant operation. The order consequently should provide, as criteria of producer-handler status, that the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing and packaging of the milk handled shall be the personal enterprises of the producer-handler and shall be conducted at his personal risk. Also, since he enjoys full benefit from his own sale of milk in fluid form (Class I) and does not share such sale with other producers, he should not be considered as a producer on bulk milk delivered to other handlers which he does not need for his own bottling needs, i.e., he should not be eligible to share in the Class I sales of other producers also.

To permit verification of a producer-handler's continuing status and to facilitate accounting with respect to the receipts from pool handlers the order also provides that each producer-handler shall make reports in such manner as the market administrator shall require.

Although there are a number of governmental agencies (Federal) in this area which receive fluid milk products from handlers, the record is not clear whether such agencies have facilities to produce and process fluid milk product for use only on such premises or to other governmental agencies. Generally milk produced and sold by a governmental agency would be primarily for purposes within the agency. No useful purpose in effective order regulation for the market would be served by regulation of such an operation and could be disruptive to the purposes of the dairy operation of such an agency. Therefore, it is concluded that, if one of these agencies does operate milk production and processing facilities, it should be exempt from regulation under this order. This is effected by specific exemption of governmental agencies from all provisions of the order.

The terms "producer" and "producer milk" should be modified from the definition presently included in the Dayton-Springfield order to incorporate necessary changes brought about primarily by the expansion of the marketing area to be regulated.

A "producer" should be defined as any person except a producer-handler or a governmental agency, who produces, in compliance with the Grade A inspection requirements of a duly constituted health authority, milk which is received at a pool plant or diverted under specified conditions as discussed below. This definition is not intended to include, however, any person with respect to milk which is fully subject to the class pricing and producer payment provisions of another Federal order.

The term "producer milk" should include all milk produced by persons qualifying as producers which is received at pool plants, or under specified conditions, diverted to nonpool plants. Diversion of producer milk to a nonpool plant by a handler (cooperative or proprietary) should be limited to not more than two-thirds of the days of delivery from a producer's farm during the months of April through July, and not more than one-third of the delivery days during the months of August through March. Diversions of producer milk by handlers among pool plants should be permitted at any time.

Under current order provisions, diversions of producer milk to nonpool plants are not limited during the months of April through July. During the months of August through March diversions are limited to not more than one-third of the days of delivery. For pricing purposes, diverted producer milk is deemed to have been received at the pool plant of customary receipt.

Producers proposed that only a cooperative association be eligible to divert producer milk during the months of August through March. They stated that this would help assure the maximum Class I use of producer milk and foster the activities of the association as marketing agent for its member producers. Also, they proposed that handlers be permitted to divert milk to nonpool plants during the months of April through July, but not for more than two-thirds of the days of delivery from a producer's farm in each month.

The regulation should accommodate as much as possible the efficient handling of any necessary market surplus, since the day-to-day market requirements vary widely. The diversion privilege, herein adopted, should promote efficiency in the marketing of milk not needed at pool plants for fluid milk requirements.

Because there are nonpool plants located in the Miami Valley production area, it is possible for excess milk to be moved directly from the farm to a nonpool plant for processing instead of being received at a pool plant and then transferred to a nonpool plant. Diversions may occur seasonally during the flush production months or to accommodate unneeded milk during holiday periods or on weekends. Therefore, specified diversions of producer milk from pool plants to nonpool plants should be permitted, with the milk retained in the pool if the handler, including an association of producers, accepts the responsibility of accounting for such milk as producer milk at order prices.

The provision, however, should not be so constructed as to encourage an excessive volume of milk to associate with the pool without need for fluid use. This objective can be achieved during the months of August through March when

supplies are lowest seasonally, by limiting diversions. Such diversions to nonpool plants are necessary only to assure the orderly handling of unneeded weekend or holiday supplies.

At least one proprietary handler assumes responsibility for handling the reserve milk at his plant during such periods. Consequently, both proprietary handlers and cooperatives should have opportunity to divert on equal terms. The present provision which permits diversion of producers on not more than one-third of the days of delivery during such months should accommodate such supplies of milk and should be continued in the expanded order.

The months of April through July are the months of relatively high seasonal production and it is desirable that both proprietary handlers and cooperatives be permitted a greater opportunity to divert than in the fall months. Although this decision institutes limits on diversions in these months as compared to the present unlimited diversion, such limits should permit orderly disposition of the seasonal surplus. Diversions of producers to nonpool plants on not more than two-thirds of the day of delivery during these months should be permitted.

Producer milk should include that milk of a dairy farmer diverted within the prescribed limits for each month and milk received at a pool plant. In the event a producer's milk is diverted more than the prescribed number of days, only that milk overdiverted should be considered as nonproducer milk and excluded from the pool.

Diverted milk when moved to a nonpool plant should be priced at the location of such plant. Producer's proposal would price at the location of the nonpool plant any milk diverted to such a plant which is located at a greater distance from Dayton than the pool plant where normally received. It was their position that within 70 miles of Dayton there are adequate manufacturing facilities to handle all diverted milk.

Since there are a number of nonpool plants located within 70 miles of Dayton (the Miami Valley production area), in addition to the cooperative's balancing plant which serves as the major outlet for milk in excess of the fluid milk requirements of the market, there is little need to divert milk great distances at the expense of producers generally. In conjunction with the recommended handler location differentials which use multiple basing points located on the outer perimeter of the marketing area, pricing of diverted milk at the location of the nonpool plant in effect adopts the cooperative's proposal for determining the point of pricing.

The pricing of diverted milk in such cases in the above manner should remove the incentive for the operator of a distant plant to meet the pooling requirements for the purpose of associating excessive quantities of milk with the market which milk would be intended for manufacturing use. Otherwise there would be potential for the distant producer to receive the market blend price when his milk actually was diverted on a regular basis to a plant distant from the market for manufacturing use. It will further insure that pool producers in general will not subsidize transportation costs which are not incurred if such milk remains at the distant plant.

4. *Classification and allocation.*—(a) *Classification of milk.* Producer milk received by handlers should be classified in two classes according to the form in which or the purpose for which it is used. Class I milk should include those forms of disposition intended for the fluid market.

The high quality requirements for consumption in fluid forms, as compared to manufacturing use, are specified primarily in newly revised sanitary regulations of the State of Ohio. The extra cost of producing such higher quality milk and delivering it to market necessitates that the price for milk used in Class I be considerably above the manufacturing milk price. The definition of Class I milk in the manner described herein provides the means of returning to producers the higher price according to the quantity of milk so used.

Class II milk, on the other hand, includes utilization for purposes to which Grade A requirements do not apply. In such uses milk from producers competes with ungraded milk from other sources and for these uses producer milk therefore commands only a manufacturing milk price.

Accordingly, milk and milk products received by handlers should be classified on the basis of the form in which, or the purpose for which, it is used or disposed of by the handler in substantially the same manner as under the present Dayton-Springfield order. The skim milk and butterfat therein should be classified separately since the proportions of skim milk and butterfat in finished products vary.

Also, milk may be received by handlers from various sources, including dairy farmers, other regulated handlers, and unregulated sources. Milk from all these sources could be commingled in a handler's plant. Consequently, it is necessary to have a plan for allocating the uses of milk to each of the various sources of supply in order to establish the appropriate classification of producer milk.

Class I milk. The dispositions included in Class I milk are those required by applicable health authorities to be produced from "Grade A milk". Class I milk, therefore, should be basically skim milk and butterfat disposed of by a handler in the form of fluid milk products as previously defined, with limited exceptions as described below.

The measurement of the quantity of Class I disposition of a particular milk product is normally the actual weight of the product as it leaves the handler's plant. In a few instances, however, the Class I quantity is more, or less, than such weight. One exception is concentrated milk, which is produced by removing a large portion of the water content from whole milk. This product is intended for fluid consumption, and may be restored by the consumer to the original whole milk form by addition of water. This is a Class I product for which the quantity to be accounted for is the qauntity of milk normally used to produce it. Standard conversion factors for calculating the original volume would be applied. Accounting for such products on the basis of original volume, including all the water originally associated with the milk solids, is necessary to assure equity among handlers and to return to producers the full use value of their milk.

Reconstituted milk or skim milk presents a similar problem of accounting. Reconstitution is a process which may be carried on in a handler's plant by mixing dry milk solids or condensed milk with water to produce a product which is similar to fluid whole milk or skim milk. Partial reconstitution may be carried out by adding milk solids and water to milk or skim milk. Class I disposition of reconstituted milk or skim milk should be accounted for in a quantity which includes the volume of water originally associated in whole milk with the milk solids used in process of reconstitution. This is necessary for the same reasons as in the case of concentrated milk.

Fortified fluid milk products are another instance in which the weight disposed of is not precisely the quantity of Class I disposition to be accounted for. Fortified fluid milk products are prepared by the addition of nonfat solids to milk or skim milk to yield a finished product of higher than normal nonfat solids.

For proper accounting of the skim milk involved the nonfat milk solids added in fortification should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The addition of the solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may in fact increase the sale of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

Therefore, the skim milk to be classified as Class I milk in such instances should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

It is necessary that the handler submit reports sufficient to reconcile all his receipts of milk and dairy products with the disposition from his plant(s). If receipts and disposition cannot be reconciled from such reports, it is necessary that the handler be held responsible for any unaccounted for receipts or disposition. If disposition is less than receipts, the question arises as to whether there are dispositions not disclosed on reports. In order to insure responsible reporting,

recordkeeping and equity among handlers, such discrepancy (where disposition is less than receipts) should be classified as a Class I quantity, except for allowable Class II shrinkage as explained in later findings.

On the other hand, if the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported received at the pool plant of a handler, the milk in excess of such receipts shall be "overage". Any overage should be assigned first to the available Class II utilization and any remainder to Class I. The overage in each class should be paid for by the handler at the applicable class prices. When utilization records indicate a disposition greater than receipts it must be presumed that the handler failed to report all of his receipts of producer milk. This "overage" is thus charged to him at the applicable class price in the lowest available class use.

Class II milk. Class II milk would include all skim milk and butterfat used to produce any product other than a fluid milk product. It thus would include milk used in manufactured products such as ice cream, ice cream mix, frozen desserts, cottage cheese, evaporated and condensed milk, nonfat dry milk and butter and cheese as well as others in nonfluid form.

Under the present Dayton-Springfield order cultured sour cream mixes and packaged sterilized cream are included as fluid milk products in Class I. A handler proposed the reclassification to Class II of such products because Grade A quality ingredients are not required in processing. Similar products not made from Grade A milk, and products using vegetable fat, are sold in the market. A Class II classification should be adopted for sour cream mixtures unless labeled as a Grade A product and for sterilized cream in hermetically sealed metal or glass containers.

Besides manufactured dairy products, which compose the bulk of Class II use, Class II milk also would include shrinkage within certain limits, disposal in fluid form for livestock feed, skim milk dumped, and fluid milk products in bulk held in inventory at the end of the month.

Butterfat and skim milk should be considered disposed of when used to produce Class II products. Thus, handlers must maintain production records to establish use in Class II.

Shrinkage. In the course of normal receiving, processing, and packaging of fluid milk products, some loss, or "shrinkage", of skim milk and butterfat is experienced. Since shrinkage represents disappearance of milk for which no return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records. In order to assure complete accounting, however, the handler must establish the quantity of actual loss of skim milk and butterfat.

The maximum shrinkage allowance in Class II at each plant should be 2.5 percent of milk from producers (less transfers of milk in bulk to other pool plants), plus 1.5 percent of milk transferred in bulk to other pool plants, plus 1 percent of milk received in bulk tank lots from other plants or from a cooperative association which elect to be the handler for such milk. However, if the handler operating the pool plant which received bulk tank milk through a cooperative association files notice with the market administrator that he is purchasing such milk on the basis of farm weights the applicable percentage should be 2.5 percent on such milk. The provision of 2.5 percent shrinkage allowance for the entire receiving and processing operation is in the present Dayton-Springfield order and there was no suggestion for revising this maximum allowance.

The lower shrinkage allowance of 1 percent of milk received by bulk tank truck from a cooperative handler recognizes that part of the shrinkage occurs prior to receipt at the plant. Milk collected at the farm in bulk tank trucks is measured at the farm. Some loss normally occurs during the transfer operation between the farm tank and the plant.

To provide equitable application of shrinkage provisions to all handlers who may have various types of operations and sources of milk receipts, the rate of 1 percent shrinkage allowance should apply to all plant receipts in bulk, whether from other pool plants, unregulated plants or a cooperative association acting as a bulk tank handler. The only exception to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case, since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing a handler's total shrinkage allowance, 1 percent of fluid milk products disposed of in bulk tank lots to plants of other handlers by transfer should be deducted. This is necessary to carry out the present order provision of allowing 1.5 percent for the receiving and handling operations on such transfers. The second plant would be allowed, as stated previously, 1 percent on the transfer of fluid milk products.

The allowance of 1 percent of milk transferred in bulk tank truck from farm to plant would apply also in the case of milk diverted by tank truck. An exception would be made in both instances if the plant operator to whom the milk is diverted purchases the milk on the basis of farm weights and tests.

The order contemplates that handlers will report on an individual plant basis, showing the receipts and utilization at each plant. Shrinkage should be accounted for in each plant separately so that a handler having more than one plant may not offset overage in one plant against shrinkage in his other plant.

If such handler transfers fluid milk products between his two plants, the amount of shrinkage or overage at either plant would be affected by the accuracy in accounting for the quantity of skim milk and butterfat transferred. The same care should be exercised as to accuracy of accounting for milk transferred between plants of the same handler as in the case of transfers between plants of different handlers.

To assure an equitable assignment of total shrinkage, it should be prorated to (1) those categories of receipts on which the above described limits apply, and (2) other receipts in fluid form to which specific shrinkage limits do not apply.

Inventories. The order should provide that inventory of fluid milk products on hand at the end of the month should be classified as Class II milk if in bulk, and Class I if packaged, pending possible reclassification in the following month.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for receipts and utilization at the plant. The accounting procedure can be facilitated by providing that inventories of bulk fluid milk products on hand at the end of the month be classified as Class II milk.

In the following month inventories in bulk would be subtracted, under the allocation procedure, from any available Class II milk. Any excess over available Class II milk should be subtracted from Class I milk. The higher-use value as Class I thus indicated should be reflected in returns to producers in that month. This would be at the rate of the difference between the Class II price in the first month and the Class I price in the second month.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in fewer adjustments in classification and handlers' obligations than if classified in Class II as in the case of bulk milk.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that, if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

The allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided.

Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for as Class II use when used to produce a manufactured dairy product, such skim milk and butterfat should not be included in inventory.

Inventories of fluid milk products and Class II products on hand at the beginning of the first month in which this order becomes effective or during any

month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk and to current Class I utilization of the plant.

One handler objected to the potential inflation of Class I milk from the initial classification of ending inventories of packaged fluid milk products in Class I for the purpose of computing the "Class I utilization percentage" for the supply-demand adjustment.

The computation of the monthly Class I utilization percentage for the supply-demand adjustments which include Class I sales for the month following the effective date of the amended order should be modified to offset the effect the changeover to include monthly ending inventories of packaged fluid milk products in Class I.

The classification of packaged fluid milk products in inventory in Class I is not intended to have any significant effect on the "Class I utilization percentage." Accordingly, it should be provided that monthly ending inventories of packaged fluid milk products for the first month this amended order is effective, should be deducted from the aggregate pounds of producer milk in Class I milk in computing the utilization percentage for each of the third, fourth, and fifth month, respectively, after this amended order is first made effective.

The maximum adjustment which would have occurred during the period from January 1966, through November 1966, would have been a reduction of 453,000 pounds in aggregate Class I sales. Such an adjustment, computed for each month for the period from May 1966, through January 1967, resulted in no change in the current utilization for such months. Since monthly ending inventories for the market change from month-to-month, there is no fixed volume of Class I sales that can be used to adjust the aggregate pounds of produced milk in Class I milk used to compute the supply-demand adjustor.

It is therefore concluded that the order language should provide for such an adjustment to eliminate any significant effect on the resulting supply-demand adjustment. After the fifth month, the adjustment is not required for this purpose.

Proof of class use. Except for the quantities of Class II shrinkage provided for in the order, all skim milk and butterfat for which a handler cannot establish utilization must be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records. The burden of proof should be on the handler to establish the ultization of any milk as being other than Class I milk.

Transfers and diversions. Milk transferred from a pool plant to another plant should be classified in accordance with specific rules.

The rules of classification herein provided would apply to transfers to other pool plants or to nonpool plants, and to milk diverted from the farm to nonpool plants or to pool plants of other handlers.

Fluid milk products transferred or diverted from a pool distributing or supply plant to the pool distributing plant of another handler should be classified as Class I milk unless utilization as Class II milk is claimed by both handlers on reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment to Class II after allocation of receipts of unregulated milk, other order milk, inventory and shrinkage. Similarly, sufficient Class I milk must be present in the transferee plant to cover Class I classification of the transferred milk.

If the shipping plant receives, during the month, other source milk of the type to which a surplus value applies (such as nonfat dry milk) the skim milk and butterfat in fluid milk products transferred should be classified so as to allocate the least possible Class I utilization to such other source milk. Also, if the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such other source receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant. These rules are necessary to provide the same kind of classification for transferred fluid milk products as for utilization within a pool plant.

Fluid milk products transferred or diverted from a pool distributing plant to a pool supply plant should be classified first as Class II milk to the extent Class II utilization is available at the pool supply plant. Such movements of milk generally would be made for the purpose of manufacturing milk, which is in excess of the bottling requirements of the distributing plant, into Class II products. Also, this would deter the movement of milk solely for the purpose of qualifying for additional location credits.

Fluid milk products transferred or diverted in bulk to a nonpool plant (not an other order plant or producer-handler plant) should be classified as Class I milk unless the handler claims Class II classification and specified conditions are met: (1) The operator of the nonpool plant should maintain adequate books and records showing utilization of all skim milk and butterfat received at the plant; and (2) if requested the operator should make these books and records available to the market administrator for purposes of verifying such receipts and utilization. Verification by the market administrator is necessary to insure proper application of the classification procedures of the order.

If the above conditions are met, classification of the transferred or diverted milk would be made in accordance with the following procedure:

Receipts of packaged fluid milk products at the nonpool plant from pool plants or other order plants would be first assigned to Class I in the nonpool plant. Then, if the nonpool plant makes any Class I route disposition in this marketing area, this Class I should be assigned first to fluid milk products transferred from pool plants, then pro rata to receipts from other order plants, and finally to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant. If the nonpool plant makes any Class I disposition on routes in the marketing area of another Federal order, this should be assigned first to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this and all other Federal orders, and thereafter to the nonpool plant's regular Grade A dairy farmer supply as determined by the market administrator.

Any Class I utilization remaining in the nonpool plant after the above assignment should be assigned first to the plant's regular Grade A dairy farmer supply and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the preceding assignments are made at the nonpool plant, any remaining receipts of bulk fluid milk products from pool plants should be classified in sequence starting with Class II milk if the shipping handler requested classification under this procedure.

This method for classifying transfers and diversions of milk to nonpool plants provides equitable treatment for milk of order handlers as well as other order handlers in the classification of milk. Further, it gives priority to dairy farmers directly supplying a nonpool plant with respect to sales outside regulated areas. The proposed method of classification at the same time allows orderly disposition of reserve supplies of milk which cannot economically be handled at pool plants.

The present Dayton-Springfield order contains a transfer rule which requires fluid milk products (except bulk cream) to be classified as Class I milk if moved beyond 100 miles from Dayton or Springfield, Ohio. This provision was adopted a number of years ago primarily to simplify verification procedure on the presumption that under the then existing conditions any milk moved on resale more than 100 miles from the market logically would be utilized for fluid consumption in view of the transportation cost involved.

Such transfer rule does not comport well, however, with the diversion rule adopted herein under which diverted milk is priced at the location of the plant to which diverted. At the present time handlers distribute virtually all their fluid milk products in Class I within a hundred-mile radius of Dayton, in fact, primarily within the proposed Miami Valley marketing area. Any such products sold beyond such distance are very likely to be disposed of in another reg-

ulated market where verification of use is readily made.

On the other hand, milk may move from farms to market from greater distances under today's conditions. In the event producer milk had to be diverted for manufacturing use, possibly caused by unforeseen circumstances not under control of the producers or handlers involved, to plants beyond 100 miles, the present provision would not accommodate such movements. It is concluded that the present mileage rule would not promote orderly marketing under the terms of the revised order.

The order also provides for transfers of fluid milk products to other order plants. The classification of such milk is covered in the following findings with respect to allocation.

(b) *Allocation.* The value of producer milk is established on the basis of its classification and the class prices. Since handlers also may receive milk from sources other than producers, the order must provide a method of assignment to classes of receipts from all sources during the month.

The system of allocating a handler's receipts to the two classes is virtually the same as that adopted in the decisions of the Assistant Secretary issued June 19, 1964, for 76 milk orders, including the Dayton-Springfield order.[1] These decisions were designed to integrate into the regulatory plan of each of the affected Federal orders milk which is not subject to classified pricing under any order, and also to apply the regulatory plan of each of the orders to milk received from plants regulated under another order.

The producers' proposal recognized the necessity for interorder coordination and contained allocation provisions identical to those contained in the aforementioned decisions. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is necessary that the general system of allocation under this order be the same. Also, the treatment of other order milk should be the same as the plan included in those decisions so as to have a coordinated system of regulations on movements of milk among Federal order markets.

Milk received at regulated plants from unregulated plants. When unregulated milk eligible for distribution in the market in fluid form is received by a regulated handler at his pool plant, provision must be made for its allocation to the total available classification of the pool plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II milk if so reported by the operator of the regulated plant.

Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When the purchase is for manufacturing, the order should accommodate this by providing that such milk be allocated to the lowest price class utilization in the pool plant.

This treatment of unregulated milk received at pool plants will further serve to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities, since it will make available as an outlet the manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class II use (down allocated) should include receipts from producer-handlers, receipts from governmental agencies exempt from regulation, receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of unregulated plant milk (other than from producer-handlers or governmental agencies) received at a pool plant, the order should provide that (within limits) such unregulated milk in bulk, which is not specifically designated for manufacturing use, be classified pro rata with regulated milk in the pool plant.

Classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products) but rather its classification must depend upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I or II will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations.

An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Even though a situation could conceivably arise where because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order[2] (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. During the months of April through July and September through December a seasonal incentive plan of pricing is in effect. For the purpose of computing a rate of payment on unregulated milk during these months, a weighted average price must be computed in a manner identical with the computation of the uniform price in other months.

There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear, i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

[1] Official notice was taken at the hearing of the decision (29 F.R. 9002) in which is included the amendment affecting the Dayton-Springfield milk order.

[2] Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value.

In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Notwithstanding the fact that surplus milk is obviously available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually might have only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the market order uniform price (weighted average price for the months of April through July and September through December), both adjusted for butterfat content and the location of the unregulated plant from which the milk was received.

Although the use of the uniform price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases. Generally, it should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then, on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum uniform price to their own producers, and in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required on regulated milk.

If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a federally regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.

The order must contain provisions of this kind which adequately serve to relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

In this market only limited quantities of packaged milk are received at pool plants from unregulated plants. Nevertheless, a rule for dealing with such situations must be provided. In the absence of specific evidence as to the method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

Producer-handler or governmental agency surplus, reconstituted milk, non-Grade A milk. Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, must be assigned a surplus value. Two such sources are milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order) or a plant of a governmental agency exempt from regulation. Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market.

As to milk from these sources a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler whenever such milk is allocated to Class I, following "down allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of the Class I needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their Class I needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excess at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus.

As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers he should not also receive Class I benefit from a market pool at the expense of producers for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers, operating under another order have the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating in the local market. Therefore, no distinction in treatment should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class II milk at the pool plant. If any is then assigned to Class I, a payment into the producer-settlement fund at the Class I surplus price difference should be applied.

Such rate of payment on receipts by federally regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act.

Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who use bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[3]

Governmental agencies operating bottling plant(s) would be exempt from regulation under the Miami Valley order. Because of this exemption fluid milk products received at a pool plant from such plants which they do not need for fluid use should be classified as Class II milk. Fluid milk products received by such plants from a pool plant or a cooperative association in its capacity as a handler should be Class I milk.

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to produce such products is priced as surplus.

Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing produced milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class II (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class II milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for fluid (Class I) uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this grade of milk.

Receipts at a market pool plant of manufacturing grade milk therefore should be assigned first to use in Class II. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class II.

The 2 percent may be considered as a safeguard against possible "overassignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes, in a uniform and consistent way, intermarket shipments of regulated milk. Following the pattern of such amendments, "surplus" classification (Class II milk) should apply whenever the parties involved agree that the shipment is for manufacturing use in the second market. A higher classification would result only when it is found on verification that some portion of the milk could not have been used for manufacturing uses. This portion would then be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II by agreement should be classified as Class I and Class II on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II is not greater than the receiving handler has utilized as Class II.

The order should not provide for marketwide proration of milk received from another order plant when the receiving handler has a greater proportion of milk in Class II than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use.

Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Class II than the market average because it would assign a disproportionate share of local producers' milk to Class II.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk transferred would be classified as Class I in the shipping market and Class II in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide

[3] 7 U.S.C. sec. 672, which contains the codified language of sec. 4 of the Agricultural Marketing Agreement Act of 1937, as amended states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under secs. 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market. In this order allocation is on a plant-by-plant basis. Accordingly, provision is made herein that the allocation of bulk receipts from other orders at a plant shall be on a system basis, irrespective of individual-plant accounting for other purposes of the order.

Handlers who receive milk from other orders or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

In any month in which bulk milk is received in the market (without agreement as to Class I classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are very similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market.

It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. Such estimate will be publicly announced to the nearest whole percentage and, for this purpose, will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from an other Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order provides similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

5. *Class Prices and Location Differentials—Class I prices.* Minimum class prices should be established at a level which will assure the maintenance of an adequate, but not excessive, supply of quality milk for the marketing area, and at the same time assure the orderly disposition of the necessary market reserve supply.

The present Dayton-Springfield order, which applies to more than 77 percent of the milk which would be covered by the new Miami Valley order, provides for a monthly Class I price computed by adding $1.24 per hundredweight to a basic formula price. This amount is subject to a supply-demand adjustor which reflects changes in the relationship of market receipts and sales for the Dayton-Springfield and Cincinnati markets combined. The proponent cooperative association proposed the continuation of such pricing formula and no objections were raised at the hearing.

A Class I price determined by adding a differential to a basic formula price gives appropriate reflection to the economic factors underlying changes in the general level of prices for milk and manufactured dairy products. The market for manufactured dairy products is nationwide and the prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. The formula reflects such factors automatically.

The basic formula price for Class I pricing presently used in the Dayton-Springfield order is the average price paid dairy farmers at manufacturing plants in Minnesota and Wisconsin for the preceding month, as reported by the Department. Such price is adjusted to a 3.5 percent butterfat test by a butterfat differential obtained by multiplying the Chicago butter price by 0.120.

Official notice is taken of the findings in the decision of April 25, 1967, supporting the amendment to the Dayton-Springfield order effective May 1, 1967, which established the basic formula price at a minimum of $4.05 for the purpose of pricing Class I milk for each month for the period May 1, 1967, through April 1968. Such amendment also provides for an addition of 20 cents to the Class I price differential for each month through April 1968. Similar action was taken in other Federal order markets on the same decision. Such pricing provisions are included in the order set forth for similar reason.

A differential over manufacturing milk prices is necessary to cover the extra cost of meeting quality requirements in the production of milk and to compensate for transportation costs to the fluid market where such milk is consumed. The differential thus provides a necessary incentive for dairy farmers to produce and deliver an adequate supply of pure and wholesome milk to meet consumer demands.

Monthly utilization of producer milk in Class I under the Dayton-Springfield order generally has ranged from 69 to 87 percent. For the periods 1965 and 11 months in 1966, utilization of producer milk in Class I averaged 78.45 and 77.2 percent, respectively. At such utilization levels, sufficient milk has been available to satisfy bottling needs and to provide a generally adequate reserve. Milk supplies have been neither excessive nor short for any prolonged period. Adoption of the present method of computing Class I prices should tend to promote under the expanded order a reasonable balance between producer milk supplies and Class I sales and thus be in conformance with the pricing requirements of the statute. The relatively small additional receipts and sales to be included through expansion of the marketing area should not make a significant difference in the application of the supply-demand adjustor now in use.

The Class I price in this market should have, of course, a reasonable relationship to Class I price levels in other markets of the region because the main sources of supply for this market are contiguous to or overlapping with those of existing Federal order markets. There is a substantial intermarket relationship of supply and demand conditions and, therefore, a close similarity of Class I price levels is desirable. Such other markets are outlets for most producers who supply this market. Also, milk supplies under the other orders represent ready alternative sources of supply for this market. As discussed below under location differentials, the appropriate intermarket alignment calls for the application of the same Class I price throughout the entire marketing area. There were no proposals for a different method of determining Class I price levels.

Class II price. Except for skim milk used for cottage cheese, the price per hundredweight for Class II milk should be the lesser of the Minnesota-Wisconsin manufacturing price or a formula price based on the market prices of butter and nonfat dry milk. The Class II price for skim milk used in cottage cheese should be such lesser price plus 20 cents per hundredweight.

The major cooperative association proposed the following methods for pricing Class II milk: (1) The lower of the basic formula price or a price resulting from a butter-nonfat dry milk formula for milk used in all Class II items other than cottage cheese, and (2) an additional 25 cents for milk used to produce cottage cheese.

Proponent testified that the Class II price should be at a level that will permit the orderly movement of market reserves into manufacturing channels but not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them

into Class II products. Proponent also stressed that the proposal would bring about better alignment of Class II prices with neighboring markets.

Handler opposition was limited to the application of the 25-cent differential on the price for producer milk used for cottage cheese as proposed. They contended that (1) the proposed differential would create misalignment of prices with other markets for such use, placing Dayton handlers at a price disadvantage on cottage cheese sales, particularly on sales in other markets, (2) competitive pricing is essential under today's improved packaging and rapid transportation, (3) cottage cheese processors should not be required to subsidize the butter-nonfat dry milk manufacturer, and (4) cottage cheese sales are in a declining trend nationally. One handler engaged in cottage cheese production suggested a price differential on milk for cottage cheese of 15 cents over other Class II milk.

Official notice is taken of the Under Secretary's decision of February 21, 1962 (27 F.R. 1802), to incorporate the Minnesota-Wisconsin price series in the Dayton-Springfield order as well as 35 other orders throughout the Midwest as the basic formula price for computing the Class I price. Such decision found that the Minnesota-Wisconsin price series is a more appropriate measure of manufacturing milk values for such use in the orders than the basic price formulas which had been used previously.

Because of its importance in reflecting manufacturing milk values the Minnesota-Wisconsin price series also has been incorporated as the surplus use price in many orders throughout the Midwest. Normally, this price series will establish a reasonable level of price for milk used for most manufactured milk products not requiring Grade A milk.

Typically, the proprietary handlers in this market process fluid milk, and in some cases cottage cheese and ice cream. They do not engage to any great extent in processing storable dairy products such as butter, nonfat dry milk, or hard cheese. The great bulk of the milk in excess of fluid needs is handled by the cooperative through its own manufacturing plant which is primarily a nonfat dry milk plant, although it is also used as a "balancing" plant for the fluid market. Actually, a substantial number of the handlers have "full supply" contracts with the cooperative under which they need accept only the amount of producer milk they request. The cooperative offers such contracts to all handlers. Most of the market's reserve milk which cannot be used in cottage cheese or ice cream is moved to the association's manufacturing plant or, on occasion, to other plants where butter and spray process nonfat dry milk are the principal items produced.

The Minnesota-Wisconsin manufacturing price will reasonably reflect surplus milk values in this area under most circumstances. However, in consideration of the importance of butter and nonfat dry milk as the final uses when no other outlets are available, it is appropriate that an alternative Class II price become effective whenever the Minnesota-Wisconsin price exceeds by more than 10 cents their per hundredweight value as reflected by product prices on the open market.

Further there is considerable competition in some Class II products by handlers in this and the other nearby markets as well as overlapping of market supply areas. This formula will provide a close intermarket alignment of prices on milk for those products not requiring Grade A milk since a similar formula is in use in neighboring markets.

The revised Class II price formula, applied to 1966 data, results in an increase in the Class II price. The 1966 weighted average price for all Class II milk at test (about 4.99 percent) under such amendments would have been about 6 cents per hundredweight higher. Official notice is taken of the statistical announcements of the market administrator since the close of the hearing.

The order should provide also for a price differential on skim milk in producer milk which is used to produce cottage cheese over the general level for producer milk used in other manufactured products.

The major cooperative association supplying milk to the market proposed that the price for milk used for cottage cheese be fixed at a 25-cent differential over the lower of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price as discussed above. Proponent testified that milk for cottage cheese has an additional value because the revised State of Ohio Health Code requires that only milk of the same inspected quality as is required for fluid milk products may be used. It was contended further that although cottage cheese sales vary to some extent seasonally, it is produced on a year-round basis, requiring a regular supply of milk, and accounts on the average for nearly 35 percent of all Class II milk.

Handlers in this market currently rely entirely on local Grade A supplies of producer milk for cottage cheese production. Under the State of Ohio Health Code they are required to have this milk or ingredients from milk of equivalent quality. The largest population centers in the defined marketing area are Dayton and Springfield, which represent the principal market outlets for the cottage cheese produced by handlers.

As found above, producer milk disposed of in manufacturing uses should be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, however, the price level should be that which will provide the highest possible returns to producers. If there is additional value in producer milk for cottage cheese purposes, such value should be reflected in the returns to producers.

In this market handlers choosing not to use producer milk in making cottage cheese would need to import dry cottage cheese curd or nonfat dry milk. In either case, the quality of the other source milk would have to be equivalent to that of local producer milk since manufacturing grade milk may not be used for this product.

There are no dependable sources of graded milk for this purpose within the normal milkshed area from which producer milk is supplied to the market. The only nearby milk of the necessary quality is attached to other fluid markets in Ohio and Indiana and would be available only sporadically. In view of the cost involved in purchasing milk, dry curd or nonfat dry milk from more distant sources, some differential above the general level of the Class II price adopted herein is reasonable to reflect the factor of milk quality and cost involved.

It is reasonable that the return to producers above the regular Class II price should at least partially offset the cost which they have incurred to deliver milk to the handler at the city location for cottage cheese, as compared to putting it to manufacturing use. A 20-cent differential over the lesser of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price should achieve this purpose while maintaining such outlet for producer milk.

Testimony of handlers contended that the differential proposed by producers might place them at a competitive disadvantage relative to handlers in other markets who would have a somewhat lower cost. Handlers pointed out that they are competing for cottage cheese sales in other areas, some of which are at a considerable distance from Dayton, where local cottage cheese need not be made from graded milk. In support of this position one handler specifically proposed limiting the differential to 15 cents per hundredweight over the lower of the producers' proposed formula prices.

Under normal circumstances the application of a 20-cent differential should not adversely affect the handlers' competitive position in the Miami Valley market. There would be additional cost involved to substitute prepared curd or nonfat dry milk derived from outside Grade A milk and some transportation cost is involved when competitive cottage cheese is distributed from other markets in local competition.

The addition of 20 cents possibly could affect a handler's competitive position in selling in other markets, although such amount is equivalent to less than 2 cents per pound on the finished product varying somewhat depending on yield. Milk should not be priced under this order, however, at a level which encourages a milk supply of such proportions that local handlers are induced to seek substantial cottage cheese outlets in other markets. Milk supplies are not excessive in this market in relation to the Class I requirements of local handlers and should be directed to Class I uses to the greatest extent possible.

The special Class II price should apply up to the amount of skim milk in producer milk assigned to the handler's cottage cheese utilization. Within this limit, the charge should apply even though the handler uses some nonfat dry milk or dry curd in making cottage cheese. This is

consistent with the regulatory scheme of the order whereby producer milk generally has priority assignment to highest-priced uses over other source milk in a form interchangeable with it for the uses involved.

The charge should not apply, however, in the case of cottage cheese curd which a handler has imported for use in making cottage cheese. This cottage cheese curd is not interchangeable with producer skim milk for the manufacturer of other Class II products. Thus, its assignment to other Class II uses in order that producer skim milk could be assigned to cottage cheese production would not be appropriate. The 20-cent charge should be applicable to both the skim milk used by the handler in making cottage cheese curd and the skim milk contained in cream which he may subsequently add to the curd in making creamed cottage cheese.

Butterfat differentials. Milk in each class is priced to handlers at a basic test of 3.5 percent, subject to adjustment for variations in the proportions of skim milk and butterfat used in each class. This is accomplished by adjusting the class prices to each handler by appropriate butterfat differentials.

The values resulting from multiplying the Chicago butter price by 0.120 for Class I milk and 0.115 for Class II milk will provide an appropriate means for adjusting the prices in the market for each one-tenth percent variation in the butterfat content of milk used in various products. Use of the Chicago butter price as a basis for establishing butterfat differentials provide assurance for both producers and handlers that such differentials will reflect changes in butterfat values on the national market.

Producers' proposal to reduce the Class I butterfat differential to 0.12 times the average butter price (presently 0.127) and the Class II butterfat differential to 0.115 (presently about 0.12) times the butter price, should be adopted. They objected to the reduction in the total value of Class I milk, which has occurred in recent years due to the present Class I butterfat differentials and the declining butterfat content of all Class I milk. It was their position that with the decrease in demand for butterfat in fluid milk products, the butterfat differential should be reduced in order that the nonfat solids portion of milk would more nearly reflect its proportion of the Class I value.

The average butterfat content of Class I milk decreased from about 3.65 percent in 1957 to 3.4 percent in 1966. This decrease reflects the general decline in the butterfat content of most Class I milk products. Sales in 1966 of Class I products of 3.5 percent butterfat content or more, decreased an average of about 2.5 percent, from 1965. On the other hand, Class I products of less than 3.5 percent butterfat content increased an average of about 17 percent. These low-fat products have increased from about 19 percent of total Class I sales in 1965 to about 23 percent in 1966, reflecting a continuing upward trend in the sales of such products in recent years.

Producers further requested a lower Class II butterfat differential to reduce the value of butterfat which must be used in manufactured products. The declining use of butterfat in Class I products has resulted in more butterfat used in Class II products. They pointed out that because most nearby Federal order markets use the proposed Class II factor in their formulas, it is essential to have like factor to assure the orderly disposition of surplus milk from this market in competition with other markets. The proposed Class II butterfat differential is in line with differentials of the nearby Cincinnati and Northwestern Ohio markets and will contribute to uniformity of pricing for Class II milk in these markets. Thus, the lower Class II butterfat differential will remove any price disadvantage to the association in handling reserve milk for the market. Therefore, the producers' proposal should be adopted.

The producer butterfat differential has the purpose of prorating returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test. The butterfat differential thus used in making uniform price payments to producers should be calculated at the average value for use of producer butterfat in the two classes. This would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect changes in the use of their butterfat in each class.

Since the Class I butterfat differential herein adopted is identical to that presently used for the producer butterfat differential, and Class I butterfat represents about 70 percent of the total butterfat, only a minor reduction in the producer butterfat differential will occur because of the reduction of the Class II butterfat differential.

Location differentials. The Class I and uniform prices should be adjusted for the location of the plant at which the milk is received.

The major producer association proposed a schedule of location adjustments, in line with the cost of moving milk to the market, designed to bring about price uniformity f.o.b. market to handlers who may receive milk for Class I use from different sources at varying distances from the market.

Fluid milk products, because of their bulky, perishable nature, incur a relatively high transportation cost. The value at the distant point is thereby reduced compared to milk delivered directly from the farm to a distributing plant in the market. Providing location differentials related to the cost of moving milk to the market is necessary to insure price uniformity under the order of Class I milk among handlers, regardless of their sources of supply.

Handlers distribute milk in this market from plants which are not located in one central city, but rather are located in several cities in and near the market. Most handlers distribute milk throughout the marketing area. If price uniformity for Class I milk is to be maintained among handlers, the same Class I price should apply to all plants within this compact marketing area. The same Class I price has applied to all such plants under the present order. Further, the application of no location adjustment within this area should assure an adequate supply of milk for these handlers competing in the same area for producer milk supplies.

From all locations within or near the marketing area adopted herein, milk can move efficiently from farms directly to pool distributing plants without assembly at supply plants. At present all producer milk moves to pool distributing plants in this manner. Thus, it is not possible to distinguish differences in the value of producer milk delivered directly to plants within such area. Consequently, no location adjustments should be applicable within the marketing area. There were no proposals for a different method of determining Class I price levels.

For milk received at a plant located outside the marketing area and beyond 50 miles from any of several basing points, location adjustments should apply. Such adjustments should apply to milk classified as Class I and, with certain limitations, to fluid milk products transferred from such a plant to another pool plant as Class I milk. The basing points from which location adjustment credits would be computed should be the main Post Offices in Dayton, Piqua, Springfield, Urbana, and Wilmington, Ohio. No location adjustment would apply at any plant located outside the marketing area which is within 50 miles of the nearest of such basing points. Use of these basing points, which represent sizable communities located near the perimeter of the marketing area, will insure a constant level of Class I price throughout the marketing area.

The Class I price applicable at more distant plants should be reduced 6 cents if the plant is more than 50 miles from the nearest basing point, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles. Such rate of differential reflects the approximate cost of transporting milk to market by efficient means. It is a rate that has been generally accepted for use in Federal milk orders. Also, such schedule will maintain Class I prices at plants at various locations which are reasonably aligned with prices in other nearby markets to provide an equitable basis for intermarket competition in procurement.

Uniform prices to be paid producers supplying plants at which location differentials are applicable likewise should be adjusted on similar basis to reflect the value of the milk at the plant where received from the farm.

No location adjustment should apply to Class II milk. Manufactured dairy products are much less perishable and the components of manufactured products may be transported in manufactured form. The record does not indicate that there is value in the milk used for manufacturing purposes which can be

equated to plant location with respect to this market.

Location differentials to handlers on Class I milk are credited from pool funds and are deductible from returns to producers computed at the f.o.b. market Class I value. They therefore should be held to the minimum which will accommodate the movement of the necessary supplies of milk to fulfill the requirements of the Class I market. As previously stated, this market has been supplied, up to the present, almost entirely by milk shipped directly from farms to pool distributing plants. There is not now, and never has been, a supply plant attached to this market other than the "market equalization" plant of the local cooperative association located at Dayton. While the market has relied to a minor extent upon sources other than producer milk to fulfill Class I demands, it is desirable for marketing efficiency that the direct-shipped milk be utilized to the fullest extent possible for Class I purposes. Under usual conditions, this milk should be assigned to Class I use at the handlers' plant before transportation allowance is given for milk imported from distant plant sources.

Some tolerance should be allowed, however, in the assignment to Class I of milk brought in from pool supply plants. A representative of certain Wisconsin cooperatives suggested that milk from supply plants be prorated to Class I along with direct-delivered producer milk for the purpose of providing location adjustment credits. The effect of this proposal would be to increase the amount of transportation credit available to cover the cost of importing distant plant supplies as needed to supplement nearby producer milk.

The greater the amounts deducted for transportation the lower the uniform price will be. At present the market is fully supplied with milk costing the direct-ship producer an average of 27 cents per hundredweight to deliver to market. If the order is to encourage the procurement of milk for the market at the lowest possible cost, the direct-ship producers should not have to pay for the transportation of their own milk and, in addition, help to pay for the importation of more distant milk at a significantly higher transportation cost unless they are unable to fulfill the market's needs at reasonable prices.

In the event, however, a handler needs more distant milk, his cost should not be excessive in relation to those handlers with adequate quantities of direct-ship milk. Therefore, if the handler receiving the milk from the pool supply plant has direct-delivered producer milk supplies less than 110 percent of his Class I milk during the month, milk received from pool supply plants should be assigned to Class I on a pro rata basis with the direct-shipped milk, other order milk and unregulated supply plant milk subject to location credit.

This pro rata assignment to Class I disposition in the pool distributing plant of all producer milk, whether received directly from producers' farms or from another pool plant, will reduce whatever cost advantage handlers purchasing milk directly from producers' farms enjoy as compared to those who purchase some milk from supply plants.

To mitigate any abuse of location credits the assignment of Class I milk to transferor plants should be made in each instance, first at plants at which no location adjustment credit is applicable, and then in sequence beginning with the plants at which the lowest amount of adjustment credit would apply. For purposes of uniformity, the same provision would apply to any shipment of bulk or packaged fluid milk products between pool plants.

The major cooperative association proposed to include in the order a definition of "reload point." Their purpose in establishing the reload point was to provide location pricing at points beyond 70 miles of Dayton where bulk tank milk is reloaded and commingled en route to distributing plants in the Miami Valley market as well as at supply plants. While there are no reload points beyond such distance from the market at this time, proponent stated that a reload point definition would assist to modernize the regulatory program.

In contrast to the present situation, the producers' proposal would price producer milk at more distant reload points (beyond the 70-mile radius from Dayton) on the basis of the schedule of location differentials applicable for supply plants. In fact, certain similarities of function between supply plants and reload points were referred to in the record. Proponent also stated its belief that producer identification would be assisted where distant milk is involved.

A representative of certain Wisconsin cooperatives and a representative of the State of Wisconsin opposed the location pricing of milk at reload points, as proposed by the local cooperative, on the basis that it might result in less opportunity for distant milk to compete for market outlets in the Miami Valley marketing area. A Dayton handler expressed opposition to adoption of a reload point definition at this time on the ground that reload points are not a significant factor at this time and that more experience is needed to develop a proper application.

We conclude that this record does not show a sufficient need for differentiating the pricing of milk at reload points based on their location.

At present there are five points in the milkshed at which the bulk tank milk of producers is reloaded. All such reload points are located within 70 miles of Dayton. Reloading is done at the convenience of the hauler, presumably for efficiency in transportation. As in the case of direct shippers, the producers involved pay the full hauling charge for the distance between their farms and the distributing plant in the market where the milk is received. Individual producer milk weight and butterfat test data accompany the milk to the plant.

There has been no experience in this market with more distant reload operations although the association's proposal presumes that in such cases the handler would incur the hauling cost between the reload point and his distributing plant. While the latter is likely in the case of milk moved from supply plants, it may not necessarily be the case, however, with respect to reloaded milk. We believe a wiser course is to gain further experience with reloading operations in order that any provision for pricing reloaded milk may take into account factors and experience which could not be explored on this record. For these reasons, the proposed definition of reload point for pricing purposes is denied.

Use of equivalent prices. If for any reason a price quotation or factor required by the order for computing class prices or for other purposes is not available in the manner described, the order should provide for use of a price or factor determined by the Secretary to be equivalent to that specified. As indicated in the partial decision on this record issued February 14, 1967, there may be unavoidable occasions when a price or factor ordinarily employed in the order becomes unavailable. Including a provision in the order for determination of an equivalent will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotation or factor and thereby will prevent any unnecessary interruption in the operation of the order and its important pricing function.

6. *Revising and reissuing the entire order*—(a) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

The order should provide for marketwide pooling of the value of producer milk used by all handlers. Under a marketwide pool, the total money obligation of all handlers in the market is combined to compute a uniform price applicable to all producer milk. To accomplish this purpose it is necessary that there be an exchange of money among handlers such that each handler is enabled to pay the marketwide uniform price. The transfer of money would be made through a producer settlement fund, as hereinafter discussed, operated by the market administrator.

Each handler would pay into the producer-settlement fund any plus difference of the value of his producer milk at class prices over its value at the market uniform price. A handler whose producer milk has a lesser use value at the class prices than at the market uniform price would receive payment at such difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers irrespective of his own use of milk. The operation of marketwide pooling as applicable in this market would be subject to a modification commonly known as a seasonal incentive ("Louisville") plan, described elsewhere in these findings.

The Dayton-Springfield order has provided for marketwide pooling for the

more than 20 years of its operation in the market. The continuance of marketwide pooling was proposed by the cooperative association supporting the expansion of the order to a larger marketing area. It proposed marketwide pooling to insure that each producer supplying the market will receive his pro rata share of returns for the Class I and Class II utilization. Marketwide pooling is considered necessary in this market to prevent unequal allocation of the burden of market reserves on producers. There was no objection at the hearing to this method of pooling.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area as expanded. The enlarged marketing area and its supply area encompass a fairly wide geographical territory in which the supply of milk readily available for some plants varies considerably from the supply at others. Most handler plants disposing of milk in the proposed marketing area have little, if any, facilities for manufacturing reserve milk. Such plants normally limit their receipts of producer milk to the quantity needed for Class I and procure supplemental supplies for Class I use as needed.

One of the cooperative's plants is the major manufacturing facility and provides an available outlet through which proprietary handlers can readily market surplus milk. Thus, the latter plant is able to carry adequate supplies of milk on a year-round basis. The marketwide pool will enable any handler who has manufacturing facilities or the cooperative association to handle reserve supplies and yet be able to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve.

As earlier stated, a large part of the milk supply for handlers in this market is furnished by the cooperative association on a full supply basis. A marketwide pool also will make it possible for handlers, including any cooperative association, to divert to nonpool plants reserve milk supplies when these are not needed by pool plants but return to the producers of such milk the uniform price. Without marketwide pooling, the main burden of the Class II returns could fall upon members of the cooperative association. The handling of reserve milk by the cooperative is a necessary service to the market in insuring an adequate supply at all times.

A marketwide pool, on the other hand, will result in equitable distribution among all producers of the lower returns from reserve milk rather than placing the burden of such milk on certain producers. It will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk for the market.

The "Louisville seasonal pricing plan" should be retained.

The Louisville seasonal pricing plan under the Dayton-Springfield order provides for the withholding from the uniform price for each of the months of April, May, June, and July, respectively, of 20, 25, 25, and 20 cents per hundredweight of producer milk. Accumulated funds are paid back to producers on their September, October, November, and December milk on the basis of the following percentages of such monies: 20, 30, 30, and 20 percent, respectively. The Louisville plan provision has been amended twice since its adoption in 1953. In 1957, the month of September was added as one of the "pay-back" months. In April 1964, the "take-out" rates were reduced for April, May, June, and July from 20, 35, 35, and 30 cents, respectively, to 20, 25, 25, and 20 cents.

A dairy farmer representing a small group of producers on the Dayton market proposed elimination of the Louisville plan. He contended that producers are now able to produce milk in a more even seasonal pattern than when the Louisville plan was adopted some 14 years ago. Furthermore, that this attainment of a relatively even seasonal production fulfills the purpose of the Louisville plan and thus the plan is no longer needed. He stated that the plan withholds monies during the spring months when farmers most need their returns from milk for the purchase of farm supplies. He stated further that monies which must be borrowed by producers during the spring months to meet expenses carry a higher interest rate than those earned by funds withheld for payment back to producers in the fall "pay-back" months. In further support he pointed to higher returns possible at Northeastern Ohio (f.o.b. market) blend prices compared to Dayton-Springfield (f.o.b. market) blend prices.

The representative of the principal cooperative association, which represents a large majority of producers on the market, opposed elimination of the seasonal incentive plan. As earlier stated, the association is the principal handler of reserve milk on this market, both weekly and seasonally. This witness pointed out that average daily deliveries per producer for the fall months have substantially improved from 82 percent of spring month deliveries in 1953 (the first year of the Louisville plan), to about 98 percent of such deliveries in 1959–63.

He observed, on the other hand, that immediately following a reduction of withholding rates in 1964, the seasonality of producer deliveries increased somewhat. The ratio of fall deliveries to spring deliveries achieved in the years 1959–63, decreased to 95 percent in 1966. The cooperative's witness contended that to remove the seasonal pricing incentive would (1) necessitate, at increased cost to the market, facilities to handle the increase in volume of producer milk surplus in the spring months, which would be costly to maintain during other periods of decreased production, and (2) disrupt the seasonal alignment of prices with nearby markets.

The primary purpose of the seasonal production incentive plan is to induce dairy farmers to increase fall production in relation to spring production, thus to encourage a more even pattern of milk deliveries throughout the year. It provides a continuing inducement to dairy farmers to increase production during the period of greatest Class I demand and at the time of the year when production costs tend to be highest. The Louisville plan is the main incentive (other than the relatively small seasonal changes in the basic formula price) provided for maintaining seasonal production in line with Class I sales and thus reducing the burden of handling seasonal surplus to the benefit of all producers.

We are in accord with the view that greater efficiency in handling the milk supply will be achieved if an even pattern of production exists and that the Louisville plan should be continued as a means of insuring this condition.

While these western Ohio counties are an area of common supply for the Dayton-Springfield and Northeastern Ohio markets, dairy farmers who ship milk directly to the Northeastern Ohio market will incur hauling charges reflecting the greater distance to the Northeastern Ohio marketing area. Plants located in the Northeastern Ohio market area are at least 150 miles from this supply area while the distance to Dayton-Springfield outlets is 60 miles or less. Any Northeastern Ohio regulated plant located in this supply area would be subject to a location adjustment of 22 cents (based on 150-mile distance).

While levels of minimum blend prices for the Dayton-Springfield market may not be appropriately compared to the minimum blend price level for the Northeastern Ohio market without allowance for the relative distances of the markets from the producer's farm, a proper comparison which nevertheless may favor the Northeastern Ohio market does not adequately support elimination of the Louisville plan from this market. It may simply indicate that the other market may be a more lucrative one for the producer's milk. The proposed elimination of the Louisville seasonal pricing plan therefore is denied.

Producer-settlement fund. Inasmuch as all producers will receive payment at the marketwide uniform price each month (adjusted during certain months for "Louisville plan" payments), and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, a specific method of balancing these differences is necessary.

For this purpose the order should provide for a producer-settlement fund to be operated by the market administrator. A handler whose obligation at class prices according to his utilization is more than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the fund, a reasonable operating reserve should be set aside each month to cover such contingencies as the failure of a handler to pay his monthly billing promptly or for making additional payments due a handler from the fund by reason of audit

adjustments. The reserve would be a revolving fund to be adjusted each month by withholding from the pool computation not less than four cents per hundredweight of producer milk. One-half of the unobligated reserve so accumulated would be added to the next monthly pool in computing the uniform price. This would continue the same arrangement as is currently in operation under the Dayton-Springfield order.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator should uniformly reduce payments per hundredweight to such handlers. In order to minimize such occurrences, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments. Producers, in turn, must receive full payment from handlers.

Any payments on partially regulated milk received by the market administrator from any handler also would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby distributed to all producers on the market.

Payments to producers and cooperative associations. Each handler should pay each producer (for whom payment is not made to a cooperative association) not less than the uniform price, adjusted by butterfat and location differentials, for milk received from him. Provision should be made also for a cooperative association, if it so desires, to receive payment at the uniform price for producer milk marketed by it to other handlers. Payment to the individual producer should be made on or before the 17th day of the following month. A partial payment covering milk he delivers during the first 15 days of the month should be made on or before the 27th day of such month. These are the present arrangements under the Dayton-Springfield order.

The Dayton cooperative's proposed rate of partial payment to producers or cooperatives of the Class II price rounded to the nearest 50 cents, should be adopted. It was the cooperative's position that the partial payment should more nearly reflect changes in the Class II price rather than does the present schedule of fixed rates. The fixed rates in the present order have been substantially less than Class II price in recent periods.

A handler opposed the proposed rate of partial payment on the basis it would represent an excessive "investment" on the part of handlers. This handler objected to paying producers for their milk prior to his receipt of payment for finished products made from the milk.

The arrangement elected by the handler for receiving payment for his finished products should not be a factor to postpone a timely and reasonable partial payment rate to producers. It is therefore concluded that the partial payment of the Class II price (rounded to the nearest 50 cents) for milk delivered to a handler during the 15 days of the month, on the 27th of the month should be provided.

The Act provides for the payment by handlers to cooperative associations for milk delivered on behalf of members and permits the reblending of all proceeds from the sale of member milk. Therefore, each handler, if so requested, should pay a cooperative association with respect to producers for whom it is authorized to collect the full amount due for their milk, in lieu of making payments to the individual producers.

Handlers should be required to pay the association 1 day before payment is required to be made to individual producers. This will enable the association to pay producers for whom it markets milk on the same date that other producers are to be paid by handlers. An association, however, should provide for reimbursement of any loss incurred because of an improper claim.

The collection of payments for milk of producers for whom it markets milk will assist an association in facilitating the transfer and diversion of milk among handlers and aid in the orderly movement of reserve milk to other plants either by transfer or diversion for manufacturing use. Thus, a cooperative association will be better able to discharge its responsibilities to its members and give service to the market.

A handler also should be required to pay a cooperative association for all milk purchased during the month from such association in its capacity as a handler on or before the 16th day of the following month. In the event the cooperative is the handler for producer milk delivered directly (including milk reloaded from one tank truck to another) from the farm to another handler's plant, such payment should be made at not less than the uniform price adjusted by the applicable butterfat and location adjustments. For other milk which a cooperative may deliver from its plant to another handler's plant, payment should be at the class prices according to the classification of milk transferred.

At the time settlement is made for milk received from producers the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and the description of any deduction claimed by the handler in order that the producer may know the basis on which he is paid.

The principal cooperative association proposed a revision in the presently employed method by which producers receive payment for milk from handlers. The association proposal would replace the present system with one under which each handler would pay into the producer-settlement fund his full class price use value of milk and the market administrator would take over the task of paying the individual producers (or in some cases their cooperatives) at the uniform price. Reasons given by proponent in support of this proposal were that (1) it would identify the handler's total cost of milk with his obligation to the producer-settlement fund, and (2) it would definitely establish a date of producer payment on a uniform basis among all handlers.

One handler who purchases considerable quantities of milk from nonmember producers testified in opposition to the adoption of these proposed payments to the producer-settlement fund. This handler and nonmember producer shipping milk to his plant indicated their preference to continue to be paid for their milk by the handler.

The proposed producer payment plan should not be adopted. The problem raised concerning prompt payment for milk seemed to be related to the provision of the present order which permits the cooperative association and the handler to come to an agreement as to which of them will be accountable to the pool for milk marketed. Contrarily, the requirement of the revised provision will be that the handler must account to the cooperative at not less than the uniform price and will be required to pay to the market administrator any balance of his classified use value over its value at the uniform price. This revision should virtually eliminate the type of problem presented by the cooperative.

The record evidence fails to show a history of late or delinquent payments required to be made by handlers regulated by the Dayton-Springfield order. Without more indication of a need for the proposed provisions to solve a marketing problem for producers or their cooperatives or some administrative problem which may not be resolved by the changes adopted herein, it would be difficult to find on the evidence that the plan proposed by the producers is a necessary feature of an order in this market at this time. Such plan therefore is denied.

(b) *Administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation. Except for updating of language for clarity and consistency, these terms are generally the same as have applied for many years under the Dayton-Springfield order to more than 77 percent of the milk which will be subject to pricing under the Miami Valley order. The proponent cooperative association testified as to their importance and requested their continued application under the expanded order.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which establish the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each use of the term implies the same meaning. Such terms, as defined in the attached order, are common to most Federal orders.

(2) *Market administrator.* The order should provide for the appointment by the Secretary of a market administrator

to administer the order and should set forth powers and duties of the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Obviously, time limits must be prescribed for filing such reports and for making payments to producers. Similarly, dates must be established for the announcement of prices by the market administrator.

It is essential that handlers' reports be submitted to the market administrator not later than the seventh day of each month. The market administrator should announce the uniform price for the previous month's milk on or before the 12th day of each month. The market administrator should also notify handlers of the amount due on milk handled during the month on or before the 12th day after the end of the month to permit sufficient time for handlers to submit payments due to the producer-settlement fund on or before the 14th day after the month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers must maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator likewise must be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

Detailed reports to the market administrator by handlers would be used also to determine whether plants qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk efficiently so that available producer milk will be channeled to Class I uses to the fullest extent possible.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately, it is necessary that such records be kept for a reasonable period of time. The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order should terminate.

The obligations of any handler under the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless the handler fails or refuses to make available all required books and records or a handler's obligation involves fraud or willful concealment of a fact. The provisions made in this order are identical in principle to those adopted for all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). Official notice of such decision is taken. The reasons for such provisions as are set forth in that decision are similarly applicable to the situation in this market and the provisions should be adopted in this order for proper administration.

4. *Expense of administration.* The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 2 cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of producer milk, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order) and receipts from a cooperative association in its capacity as a handler of bulk tank milk.

The maximum rate of administrative assessment of two cents per hundredweight herein adopted is identical with the rate currently in effect under the Dayton-Springfield order and is appropriate for the Miami Valley order. This rate appropriately provided funds for the market administrator to meet the necessary cost of administering the Dayton-Springfield order. Since the funds from this rate of assessment have proved adequate for the expense of prior administration of that regulation, it is expected that this rate will likewise provide adequate funds to cover the initial administrative costs in establishing this regulation. The quantity of milk to be covered is only moderately increased from that subject to the present Dayton-Springfield order.

This order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions included in this decision, be required to either make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk or otherwise pay into such fund and/or dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a fully regulated plant).

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler; i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers.

If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of their milk (computed at order price) it has in the past on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler.

There is reason to believe, however, that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to make a payment into the producer-settlement fund. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area that exceeds Class I milk received from other regulated plants or other order plants, irrespective of whether the option to pay into the producer-settlement fund is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the regulated handler should be responsible, as under the present Dayton-Springfield order, for payment of the administrative assessment with respect to such unregulated milk.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for marketing services to producers, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. A qualified cooperative association, approved for such activity by the Secretary, may perform such services for its member producers in lieu of such services by the market administrator.

There is need for continuing the marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of an individual producer's deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. This is the same rate as now provided in the Dayton-Springfield order and it has provided funds necessary to conduct the program under that regulation at the time of promulgation.

If later experience indicates that marketing services can be performed at a lesser rate, provision is made in this order whereby the Secretary may adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such marketing services for its members, handlers would be required to pay to the cooperative association such deductions as are authorized by its producer members.

(6) *Adjustment of errors.* The cooprative association proposed a revision in the time requirement applicable to payment of monies due various persons when errors are discovered on audit of any handler's reports, books, records, or accounts. Under the present Dayton-Springfield order audit adjustments resulting in monies due are paid on the date of the next scheduled payment specified in the particular section of the order under which such adjustment occurred. Pursuant to the proposal such adjustments would be carried to the next payment date if they were discovered less than five days before the date ordinarily due.

The provision relating to "adjustment of errors" should be expanded to cover audit adjustments resulting in monies due the market administrator from a handler and a handler from the market administrator, as well as from the handler to a producer or cooperative association. Such adjustments should be paid to the appropriate person on or before the next date for making final payment under the section in which such error occurred. The evidence failed to indicate the necessity for postponing such payment where discovery is made within 5 days of the next payment date, as proposed. The revisions made will improve administrative practice. Such revised provisions should assure prompt payment of monies found due upon audit and provide sufficient time for payment.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Order[1] Regulating the Handling of Milk in the Miami Valley, Ohio, Marketing Area

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

APPLICATION OF PROVISIONS

DETERMINATION OF PRICES TO PRODUCERS

PAYMENTS

EFFECTIVE TIME, SUSPENSION OR TERMINATION

MISCELLANEOUS PROVISIONS

DEFINITIONS

§ 1034.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1034.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1034.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1034.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1034.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

§ 1034.6 Miami Valley, Ohio, marketing area.

The "Miami Valley, Ohio, marketing area", hereinafter called the "marketing area", means all the territory geographically within the places listed below, including all premises wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

OHIO COUNTIES

Champaign.
Clark.
Clinton (except Clark, Green, Jefferson, and Washington Townships).
Greene.
Miami.
Montgomery.
Preble.

§ 1034.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with inspection requirements of a duly constituted health authority for fluid consumption in the marketing area which milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1034.15. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1034.8 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk it delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1034.61.

§ 1034.9 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant in which milk from his own production is processed and packaged and from which route disposition is made within the marketing area;

(b) Receives from pool plants or other order plants during the month fluid milk products of not more than 2,500 pounds;

(c) Has route disposition consisting only of skim milk and butterfat obtained from pool plants or other order plants in the form of fluid milk products or from his own production;

(d) Receives no milk from other dairy farmers; and

(e) The maintenance, care and management of the herd(s) and other resources necessary to the production, processing and packaging of own-farm milk are the personal enterprise and risk of such person.

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products.

§ 1034.11 Distributing plant.

"Distributing plant" means a plant which is approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption and from which during the month route disposition is made in the marketing area.

§ 1034.12 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as a fluid milk product to a distributing plant.

§ 1034.13 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1034.61.

(a) A distributing plant from which during the month:

(1) Route disposition made within the marketing area is at least 15 percent of its total route disposition in all markets; and

(2) At least 50 percent of the total receipts of Grade A milk from dairy farmers at such plant, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition except that during each of the months of March through July, the minimum percentage applicable under this subparagraph shall be not less than 40, if such plant qualified during each of the preceding months of August through February.

(b) A supply plant from which during the month the volume of fluid milk products shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant § 1034.8 (c) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph

is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalified under this section on the basis of shipments.

(c) A plant operated by a cooperative association for any month in which the volume of fluid milk products eligible for fluid consumption caused by such cooperative association to be delivered during the month to one or more distributing plants qualified under paragraph (a) of this section either from such plant or pursuant to § 1034.8(c) is not less than 50 percent of the total pounds of such association's member producer milk for such month, except that on written request for nonpool status made to the market administrator prior to the beginning of any month, the plant shall be a nonpool plant for such month and for each of the succeeding 11 months in which it does not qualify pursuant to paragraphs (a) or (b) of this section on the basis of shipments.

§ 1034.14 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which there is route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

§ 1034.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk of a person defined as a producer in another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants;

(b) Diverted during the month by a handler from a pool plant to another pool plant; or

(c) Diverted by a handler from a pool plant to a nonpool plant for not more than one-third of the days of delivery during any month from August through March, and for not more than two-thirds of the days of delivery during any month from April through July. Producer milk diverted by a handler shall be priced at the location of the plant to which diverted;

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1034.8(c), in addition to that pursuant to paragraph (a) of this section; and

(e) Delivered in a farm tank pickup truck, except that delivered by a cooperative association as a handler pursuant to § 1034.8(c), to more than one pool plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixture of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, and evaporated or condensed milk or skim milk in either plain or sweetened form.

§ 1034.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except: (1) Producer milk, (2) fluid milk products received from other pool plants either by transfer or diversion, and (3) sterilized cream received and disposed of in the same hermetically sealed metal or glass container;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged, converted into or combined with another product during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1034.18 Route disposition.

"Route disposition" means a delivery of fluid milk products (including that custom-packaged for another person, and disposition from a plant's dock, plant store or through vendor or vending machines) at retail or wholesale either directly or through a handler's distribution point other than a plant.

MARKET ADMINISTRATOR

§ 1034.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1034.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1034.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part.

(c) Obtain a bond in a reasonable amount, and with satisfactory surety therein, covering each employee who handles funds entrusted to the market administrator.

(d) Pay, out of the funds provided by § 1034.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1034.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1034.30 and 1034.32 or (2) payments pursuant to §§ 1034.80, 1034.84, 1034.86, 1034.87, and 1034.88.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request.

(h) Verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handler's records and, if made available of the records of any other person upon whose utilization the classification of skim milk or butterfat depends.

(i) Publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) On or before the sixth day of each month the minimum price for Class I milk pursuant to § 1034.51 and the Class I butterfat differential pursuant to § 1034.53(a) both for the current month, and the minimum price for Class II milk pursuant to § 1034.52 and the Class II butterfat differential pursuant to § 1034.53(b) both for the preceding month.

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1034.71 and the butterfat differential computed pursuant to § 1034.81 for such month.

(j) Notify on or before the 12th day after the end of each month each handler who reported pursuant to § 1034.30 of:

(1) The amount and value of such handler's milk in each class computed pursuant to § 1034.45 and § 1034.70;

(2) The uniform price computed pursuant to § 1034.71; and

(3) The amount to be paid by such handler pursuant to §§ 1034.62, 1034.84, 1034.87, and 1034.88 and the amount, if any, due such handler pursuant to § 1034.85.

(k) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 1034.80.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1034.45(a)(9) and the corresponding step of § 1034.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1034.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report.

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(o) Prepare and make available for the benefit of producers, handlers and consumers, statistics and information concerning the operation of this part which do not reveal confidential information.

Reports, Records and Facilities

§ 1034.30 Reports of receipts and utilization.

On or before the seventh day of each month the following handlers shall report for the preceding month to, and in detail on forms prescribed by, the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk received;

(ii) Fluid milk products received from other pool plants;

(iii) Other source milk, with the identity of each source;

(2) Inventories of fluid milk products on hand at the beginning of the month in bulk and in packaged form, separately;

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month; and

(iii) Route disposition inside and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request:

(b) Each cooperative association shall report with respect to producer milk for which it is the handler but not otherwise reported under paragraph (a) of this section or § 1034.46(b):

(1) Receipts of skim milk and butterfat in producer milk;

(2) The utilization of skim milk and butterfat handled;

(3) The quantities of skim milk and butterfat caused to be delivered to pool plants of other handlers or to nonpool plants;

(4) Such other information with respect to the receipts and utilization of milk as the market administrator may request; and

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include separate data on route disposition in the marketing area.

§ 1034.31 Other reports.

(a) Each producer-handler and each handler exempt pursuant to §§ 1034.61 and 1034.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1034.32 Payroll reports.

(a) Each handler pursuant to § 1034.8 (a), (b), or (c) shall submit to the market administrator on or before the 20th day after the end of the month, his producer payroll for that month which shall show for each producer:

(1) The daily and total pounds of milk received from such producer with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the price, deductions and charges involved.

(b) Each handler operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month the same information as is required pursuant to paragraph (a) of this section of a handler operating a pool plant if he wishes his obligation under § 1034.62 to be computed according to § 1034.62(a). Such report shall include payments to dairy farmers delivering Grade A milk.

§ 1034.33 Records and facilities.

Each handler, including any partially regulated handler, shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

§ 1034.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1034.10 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to §§ 1034.30 and 1034.31 shall be classified by the market administrator as Class I milk or Class II milk subject to the conditions of this section and §§ 1034.41 through 1034.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the

actual weight of any such product shall be included in classifying the total product weight.

§ 1034.41 Classes of utilization.

The classes of utilization of milk shall be as follows:

(a) *Class I milk.* Class I milk means skim milk (except as provided for fortified fluid milk products pursuant to § 1034.40) and butterfat:

(1) Disposed of in the form of fluid milk products other than those specified pursuant to paragraphs (b) (2), (3), and (4);

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk means skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of and used for livestock feed or as skim milk dumped;

(3) Contained (skim milk only) in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) of this section;

(4) Contained in inventory of bulk fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c) (1) and (3); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c) (2).

§ 1034.42 Shrinkage.

Skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 1034.41(b) (5) and (6) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 1034.41 (a) and (b) (1), (2), (3), and (4) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 1034.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 1034.41(b) (5) and (6);

(b) Compute the total shrinkage of skim milk and butterfat; and

(c) Subject to the conditions of subparagraph (3) of this paragraph, pro rate the resulting amounts between the quantities specified in subparagraphs (1) and (2) of this paragraph. The amounts assigned to the quantities in subparagraph (1) of this paragraph shall not exceed 2.5 percent of such quantities and the amounts assigned to the other source milk included in subparagraph (2) of this paragraph shall equal the actual shrinkage allocated to these quantities.

(1) The receipts of producer milk at such plant less transfers of fluid milk products in bulk form to other pool plants; plus 60 percent of the fluid milk products transferred in bulk to other pool plants; and plus 40 percent of the fluid milk products received in bulk from other pool plants and other order plants, exclusive of the quantities from other order plants for which Class II utilization was requested by the operator of such plant and the handler;

(2) Other source milk in the form of fluid milk products exclusive of that specified in subparagraph (1) of this paragraph; and

(3) If settlement by a handler on milk received from a cooperative association pursuant to § 1034.8(c) is made on the basis of weights and butterfat tests determined at the farm and the market administrator is so notified of such basis of settlement by the date the handler is required to submit his monthly report pursuant to § 1034.30, 2.5 percent shrinkage shall be allowed the handler with respect to all such milk, otherwise to 60 percent of such receipts and the balance (computed at the 2.5 percent rate) to the cooperative association supplying the milk.

§ 1034.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product disposed of by a handler from a pool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1034.45 (a) (9) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1034.45(a) (4), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1034.45 (a) (9) and (b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(4) If the movement is from a pool distributing plant to a pool supply plant, it shall be considered Class II utilization to the extent such utilization is available at the receiving plant.

(b) As Class I milk, if moved to a producer-handler or a plant exempt pursuant to § 1034.60(b);

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1034.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products for such nonpool plant;

(ii) Class I utilization in excess of that assigned pursuant to subdivision (i) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in consumer packages, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1034.41.

§ 1034.44 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk at each such plant.

§ 1034.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1034.44, the market administrator shall determine, for each pool plant, the classification of producer milk received thereat, as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1034.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler; as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plans of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1034.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1034.46 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Producer milk in bulk delivered by a cooperative association as a handler under § 1034.8(c) to the pool plant of another handler, or caused to be diverted by the cooperative association from one pool plant to another, shall be classified according to use or disposition at the receiving plant, and the value thereof at the class prices shall be included in the net pool obligation computed for such handler pursuant to § 1034.70. For purposes of location adjustments pursuant to § 1034.54 and administrative expense pursuant to § 1034.88, such milk shall be treated as producer milk of the receiving handler.

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

MINIMUM PRICES

§ 1034.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department (hereinafter referred to as the Chicago butter price). The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05.

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price per hundredweight for Class I milk for the month shall be determined by the market administrator as follows:

(a) Add $1.24, plus 20 cents through April 1968, to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 39 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory except as provided in subparagraph (3) of this paragraph, and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and Part 1033 of this chapter (Greater Cincinnati order) for the second, third, and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by 3 cents.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	September, October, November	63	69
February	October, November, December	63	71
March	November, December, January	63	72
April	December, January, February	63	71
May	January, February, March	63	71
June	February, March, April	63	69
July	March, April, May	60	63
August	April, May, June	54	57
September	May, June, July	52	53
October	June, July, August	53	53
November	July, August, September	53	61
December	August, September, October	62	63

(3) For the third month this subparagraph is effective, the monthly ending inventory of packaged fluid milk products for the month preceding such month shall be deducted in computing the 3 months' Class I milk total under subparagraph (1) above and the same adjusted monthly Class I milk total shall be used in the two successive 3 months' Class I milk total in subparagraph (1).

§ 1034.52 Class II milk prices.

Subject to the provisions of § 1034.53, the prices per hundredweight for Class II milk for the month shall be computed by the market administrator as follows:

(a) Except as provided in paragraph (b) of this section, the amount for the month computed pursuant to § 1034.50, but not more than the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph (rounded to nearest cent), plus 10 cents:

(1) From the Chicago butter price computed pursuant to § 1034.50, subtract 3 cents and multiply by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

(b) For skim milk used to produce cottage cheese the amount computed for the month pursuant to paragraph (a) of this section plus 20 cents.

§ 1034.53 Butterfat differentials to handlers.

(a) Class I price. Multiply the Chicago butter price computed pursuant to § 1034.50 for the immediately preceding month by 0.120.

(b) Class II price. Multiply the Chicago butter price for the month by 0.115.

§ 1034.54 Location adjustment to handlers.

(a) The price for Class I milk at a plant located outside the marketing area and more than 50 miles by the shortest hard-surface highway distance as determined by the market administrator from the nearest of the main post offices of Dayton, Piqua, Springfield, Urbana, or Wilmington, Ohio, shall be the price computed pursuant to § 1034.51(a) reduced according to the rates set forth in the following schedule for the distance of the plant from such nearest basing point:

Distance of miles from basing point	*Rate per hundredweight (cents)*
More than 50 miles	6.0
For each additional 10 miles or fraction thereof in excess of 60 miles, an additional	1.5

(b) Fluid milk products received by a handler at a pool plant from another pool plant shall be assigned for Class I location adjustment credit, at the appropriate distance rate as set forth in paragraph (a) of this section, in a volume not in excess of 110 percent of Class I milk (exclusive of producer milk diverted as Class I milk to nonpool plants) at the transferee plant less the sum of receipts at such plant directly from producers and Class I milk assigned to receipts from other order plants and unregulated supply plants. Such assignments shall be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply. If a pool distributing plant has direct receipts from producers less than 110 percent of Class I milk at such plant any bulk transfers to such plant from another pool plant to which a location credit applies shall be assigned to the Class I disposition at the transferee plant prorated with the sum of receipts at such plant of producer milk and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants.

§ 1034.55 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described,

the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

APPLICATION OF PROVISIONS

§ 1034.60 Producer-handlers and Governmental Agencies.

(a) Sections 1034.40 through 1034.55 and §§ 1034.61 through 1034.88 shall not apply to a producer-handler.

(b) None of the provisions of this part except § 1034.14 shall apply to a plant operated by a governmental agency.

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part other than §§ 1034.30, 1034.31, 1034.32, 1034.33, and 1034.34 shall not apply to:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the three months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

§ 1034.62 Obligation of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1034.30 and 1034.32 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1034.30 and 1034.32, similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1034.13(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

DETERMINATION OF PRICES TO PRODUCERS

§ 1034.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class for such handler, as computed pursuant to § 1034.45(c), by the applicable class prices (adjusted pursuant to §§ 1034.53 and 1034.54) and add the resulting amounts.

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1034.45(a)(11) and the corresponding step of § 1034.45(b) by the applicable class prices.

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(6) and the corresponding step of § 1034.45(b).

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(3) and the corresponding step of § 1034.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1034.45(a)(4) and the corresponding step of § 1034.45(b).

(f) Add an amount equal to the value at the Class I price adjusted for location (in the manner provided pursuant to § 1034.54) of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(8) and the corresponding step of § 1034.45(b).

§ 1034.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1034.70 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 1034.80 and 1034.84 for the preceding month;

(b) Add an amount equal to the sum of the location differential adjustments computed pursuant to § 1034.82;

(c) Subtract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 1034.81;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1034.70(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computation pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e) (2) of this section by the weighted average price;

(h) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(i) Add for each of the months of September, October, November, and December, 20, 30, 30, and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.83(b) on August 31, immediately preceding;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1034.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each handler shall make payment for producer milk received during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month not less than the Class II price for the preceding month computed to the nearest 50 cents multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month to each producer, not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1034.87;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer.

(3) If by such date for final payment, such handler has not received full payment from the market administrator pursuant to § 1034.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1034.5, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made 1 day in advance of the applicable payment dates in paragraph (a), subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 15th day of the following month, each handler shall pay to each cooperative association for milk the handler receives during the month from a pool plant operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials;

(d) On or before the 15th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler during the month pursuant to § 1034.8(c) shall pay such cooperative association for such milk at the uniform price, adjusted by applicable butterfat and location differentials; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its member producers in accordance with such provision of the Act.

§ 1034.81 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1034.45 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1034.82 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1034.71, the uniform price at a pool plant shall be reduced on the basis of the applicable amount or rate for the location of such pool plant pursuant to § 1034.54;

(b) For the purpose of computations pursuant to § 1034.84 the weighted average price shall be adjusted on the basis of the applicable amount or rate pursuant to § 1034.54, applicable at the location of the nonpool plant from which the milk was received.

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.62, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(i).

§ 1034.84 Payments to the producer-settlement fund.

On or before the 14th day of the following month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1034.70 for such handler for the month; and

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform price specified in § 1034.71 (in the case of a cooperative association as a pool handler pursuant to § 1034.8(c) the value of milk so delivered to the pool plant of another handler shall be computed as a receipt of the latter); and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1034.70(f).

§ 1034.85 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1034.84(b) exceeds the amount computed pursuant to § 1034.84(a). The market administrator shall offset any payment due any handler against any payments due from such handler.

§ 1034.86 Adjustments of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such

handler of any such amount due, and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1034.87 Marketing services.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 1034.80, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

§ 1034.88 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1034.8(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 14th day after the end of the month, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to §§ 1034.45(a)(4) and 1034.45(a)(8) and the corresponding steps of § 1034.45(b); and

(c) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1034.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1034.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that it obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1034.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 1034.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1034.100 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1034.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1034.102 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part and the application of such provision to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on June 8, 1967.

CLARENCE H. GIRARD,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 67-6621; Filed, June 14, 1967; 8:45 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the provisions of section 407(a) of the Packers and Stockyards Act (7 U.S.C. sec. 228(a)), the Packers and Stockyards Administration proposes to amend §§ 201.10, 201.50, 201.52, 201.58, 201.61, and 201.71 of Title 9 of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. sec. 181 et seq.), as follows:

1. Paragraph (d) of § 201.10 would be amended to cover only registration policies and procedures. The remaining provisions of the present regulation would be covered by the proposed amendment to § 201.61. As amended, paragraph (d) would read, as follows:

§ 201.10 Requirements and procedures.

* * * * *

(d) No person applying for registration to engage in business as a market agency selling livestock on a commission or agency basis shall be registered to act in the capacity of clearing agency for any other person engaged in business as a packer or as an independently operated and separately registered market agency or dealer.

§ 201.50 [Amended]

2. Paragraph (b) of § 201.50 would be amended by adding "Scale test reports" to the categories of records which stockyard owners, market agencies, dealers, and licensees (commission merchants and dealers) may destroy after they have been retained for a period of 2 years.

§ 201.52 [Amended]

3. Section 201.52 would be amended by changing the words "a trucker" and "the trucker", appearing in the first proviso, to "any person" and "such person", respectively.

4. Section 201.58 would be amended to clarify the duties of market agencies and licensees with respect to the sale of consigned livestock or live poultry. The text would be amended to read as follows:

§ 201.58 Sales to be made openly and in a manner to promote interests of consignors and not conditioned on sales of other consignments.

Every market agency and licensee engaged in the business of selling livestock or live poultry on a commission or agency basis shall sell the livestock or live poultry consigned to it openly and in such manner as to best promote the interests of the consignors. The market agency or licensee shall sell each consignment of livestock or live poultry on its merits, and shall not make the sale of one consignment of livestock or live poultry conditional on the sale of another and different consignment of livestock or live poultry: *Provided,* That this shall not prohibit the sale in graded lots of livestock or live poultry belonging to different consignors who have consented thereto. In such cases, settlement shall be on the basis of the weight shown on the scale ticket issued at the time the consignor's livestock or live poultry is weighed.

5. Paragraph (a) of § 201.61 would be broadened to prohibit selling agencies from clearing or financing other selling agencies, buying agencies, and packers, as well as dealers. The heading and text of such paragraph would be amended to read as follows:

§ 201.61 Market agencies engaged in selling or purchasing livestock on commission.

(a) *Market agencies engaged in selling livestock on commission not to clear or finance dealers, market agencies, or packers.* No market agency engaged in selling livestock on a commission or agency basis shall clear, finance, or furnish office space, bookkeeping, or similar services to any unregistered dealer or market agency, or any independently operated and separately registered dealer or market agency, or any packer. Nor shall such a market agency enter into any agreement, relationship, or association with any dealer, market agency, or packer which might have the tendency to lessen the loyalty of the market agency to its consignors or impair the quality of the market agency's selling services.

* * * * *

§ 201.71 [Amended]

6. Section 201.71 would be amended by deleting the words "not later than January 1, 1965,".

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before June 30, 1967.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of June 1967.

DONALD A. CAMPBELL,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-6742; Filed, June 14, 1967; 8:49 a.m.]

[9 CFR Part 203]

STATEMENT OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Vacation of Rate Orders

Notice is hereby given that pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the Packers and Stockyards Administration proposes to issue the following statement of general policy under said Act as § 203.11 of Title 9, Code of Federal Regulations:

§ 203.11 Statement with respect to vacation of rate orders under the Packers and Stockyards Act.

(a) Under the Packers and Stockyards Act, formal rate orders prescribing reasonable rates and charges for the furnishing of stockyard services have been issued at various times. There are now in effect 26 such orders, 14 of which relate to rates and charges for stockyard services furnished by stockyard operators and 12 of which concern rates and charges for services furnished by market agencies. Most of the basic orders in these cases have been in effect for more than 20 years. From time to time the respondents have petitioned for modifications of such orders to reflect changed circumstances or conditions and when such petitions have been found to be justified they have been granted. In accordance with the administrative procedure provisions of Title 5 of the United States Code (5 U.S.C. 553), the Rules of Practice Governing Proceedings under the Packers and Stockyards Act (9 CFR 201.1 et seq.) require that notice of every petition for modification which involves an increase in rates and charges, or a rate or charge for services not theretofore covered by order, shall be published in the FEDERAL REGISTER and interested persons be given an opportunity to file with the Hearing Clerk a written request to be heard in the matter. The rules of practice also provide that an answer to such a petition shall be filed within 20 days from date of publication of such notice. Under section 313 of the Act, an order concerning rates and charges may not be made effective in less than 5 days after signature. With respect to a stockyard operator or market agency not subject to a formal rate order, changes may be made in its rates and charges upon 10 days' notice to the public and the Department: *Provided, however,* That any such change may be suspended for a total period of 60 days in any instance in which it appears the change would result in unjust, unreasonable, or discrimina-

tory rates and charges and a hearing held with respect to the matter.

(b) During the period the basic rate orders have been in effect, an informal procedure has developed in connection with proposed modification of rates or charges of the stockyard owners and market agencies subject to such orders. The stockyard owners and market agencies have become familiar with the type of information necessary to substantiate changes in prescribed rates or charges and to show the reasonableness thereof. In most instances those desiring to modify the rates or charges seek an advance indication of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. In the event there is a question as to the data submitted or as to reasonableness of the changes, additional information is sought or conferences are held between representatives of the Administration and the parties concerned. This method has proved very satisfactory as a means of resolving doubts, adjusting differences and reaching an agreement concerning the proposed modification of the rates and charges. In practically all cases a tentative agreement is reached before a petition for modification of the rate order is filed with the Hearing Clerk. There have been very few instances in which an interested person has submitted any data, views, or comments or filed a request to be heard in connection with a petition pursuant to the notice published in the FEDERAL REGISTER.

(c) After a basic rate order has been in effect for a period of 10 years, there would not appear to be any useful purpose served, under normal conditions, in continuing such order in effect, thereby necessitating the continuation of the formal procedure for obtaining a modification of the rates and charges referred to in paragraph (a) of this section. It is the view of the Packers and Stockyards Administration, therefore, that when a basic rate order has been in effect for a period of 10 years, the Department should entertain a petition for dismissal or vacation of such rate order and unless economic conditions, or the marketing structure in the trade territory, or other circumstances require otherwise, such petition should be concurred in. This would place the stockyard owner or market agencies affected by the rate order in question on the same basis as those stockyard owners and market agencies which are not subject to formal rate orders. This procedure would not affect the basic protective rate provisions of the Packers and Stockyards Act should it become necessary to invoke them.

Any person who desires to submit written data, views, or arguments in connection with the aforesaid proposal, should file the same, in duplicate, with the Hearing Clerk, Room 112, Administration Building, Washington, D.C. 20250, not later than July 21, 1967.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of June 1967.

DONALD A. CAMPBELL,
Acting Administrator.

[F.R. Doc. 67-6708; Filed, June 14, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8205]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes. There have been failures of the Graviner type D.1870N/1 overheat detectors fitted in the breather outlet ducs in the auxiliary gear box drive region of the engine intermediate casing of Dart R.D. a7 engines to activate the fire alarm warning system. Based on an investigation of the Graviner detectors, it has been determined that these detectors will not activate the fire alarm system in an overheating situation at a temperature low enough to permit remedial action to be taken to prevent or control fire in this section of the engine. The proposed AD requires the replacement of specified Graviner overheat detectors with detectors designed to operate at a lower temperature range.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel. Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 15, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D and 810 Series airplanes.

Within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished:

Replace Graviner D.1870 or D.1870N/1 loop type overheat detectors with Graviner D.5352 N/1 coil overheat detectors. Replace Graviner point type detectors as shown in the following table:

Existing P/N	*Replacement P/N*
Graviner 4D/3	Graviner 134D/3.
Graviner 13D/3	Graviner 135D/3.
Graviner 68D/3	Graviner 136D/3.
Graviner 150D/07/180.	Graviner 150D/07/210.

Replace the detectors in accordance with British Aircraft Corp. Ltd. (BAC), Modification Bulletin No. D.3187, Issue 2 (700 Series), and Modification Bulletin No. FG.2055, Issue 2 (810 Series), or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

Issued in Washington, D.C., on June 6, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-6710; Filed, June 14, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

OIL SHALE LANDS

Exchanges; Extension of Time for Filing Comments

Basis and purpose. Notice is hereby given that the time for submitting comments to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on the proposed amendments to the regulations regarding exchanges of privately owned lands under the Taylor Grazing Act, published at 32 F.R. 7085 on May 10, 1967, is hereby extended for sixty (60) days from the date of publication in the FEDERAL REGISTER of this notice.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 8, 1967.

[F.R. Doc. 67-6692; Filed, June 14, 1967; 8:45 a.m.]

[43 CFR Part 3170]

OIL SHALE

Extension of Time for Filing Comments

Basis and purpose. Notice is hereby given that the time for submitting comments to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on the proposed amendments to the regulations regarding the leasing of oil shale lands, published at 32 F.R. 7086 on May 10, 1967, is hereby extended for sixty (60) days from the date of publication in the FEDERAL REGISTER of this notice.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 8, 1967.

[F.R. Doc. 67-6693; Filed, June 14, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-1]

DISC BRAKE PADS FROM CANADA

Notice of Tentative Determination

JUNE 7, 1967.

Information was received on June 13, 1966, that disc brake pads imported from Canada, manufactured by Atom-Otive Products, Rexdale, Ontario, Canada, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of September 16, 1966, on page 12106 thereof.

I hereby make a tentative determination that disc brake pads imported from Canada, manufactured by Atom-Otive Products, Rexdale, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. It was determined that the appropriate basis of comparison for fair value purposes was between exporter's sales price and adjusted third country price. Sales in the United States were made to varying categories of purchasers at different discounts depending on the category of purchasers.

As 85 percent of the third country sales were made to a brake shoe builder, exporter's sales price was computed on the basis of sales to U.S. purchasers who built brake shoes. From the price to this category of purchaser, there were deducted the appropriate category of purchaser discount, the included duty and inland freight and commissions as applicable. Any other expense of selling in the United States was negligible.

Adjusted third country price was computed on the basis of the f.o.b. plant price to a third country purchaser who purchased by far the preponderance of the disc brake pads exported to third countries. A quantity discount to this purchaser was deducted as all U.S. purchasers bought in quantities per order which justified the deduction in calculating adjusted third country price. In addition a commercial discount granted to this customer, as well as to any other third country customer, was deducted.

Exporter's sales price was not lower than adjusted third country price. It was noted that regardless of the category of purchaser discount granted to U.S. customers other than brake shoe builders, the results would be the same.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-6749; Filed, June 14, 1967; 8:49 a.m.]

[Antidumping—ATS 643.3-W]

PLASTIC CONTAINERS FROM CANADA

Determination of Sales at Not Less Than Fair Value

JUNE 7, 1967.

On April 12, 1967, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and of Tentative Determination That No Sales Exist Below Fair Value" with respect to plastic containers manufactured by Reliance Products, Ltd., Winnipeg, Canada.

The notice stated, with respect to consumer and industrial type containers (other than 5-gallon industrial containers), that purchase price was not found to be lower than adjusted home market price, and that there are not, and are not likely to be, sales below fair value. With respect to the 5-gallon industrial containers, the notice stated that because of price revisions, there are not, and are not likely to be, sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that for the above-stated reasons, plastic containers from Canada, manufactured by Reliance Products, Ltd., Winnipeg, Canada, are not being, and are not likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-6750; Filed, June 14, 1967; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 1533]

MONTANA

Notice of Classification of Lands for Multiple Use Management

JUNE 9, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No comments were received in response to the notice of proposed classification published in the FEDERAL REGISTER (32 F.R. 5379–5381) dated March 30, 1967. Several comments were received at the public hearing held April 13, 1967 at Dillon, Mont. All comments were carefully considered and no changes were deemed necessary as a result of the comments. The record showing comments received and other information can be examined in the Dillon District Office, Dillon, Mont., and the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

3. The public lands affected by this classification are located within the following described area and are shown on maps on file in the Dillon District Office, Dillon, Mont., and on maps and records in the Land Office, Bureau of Land

Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD COUNTY

T. 13 S., R. 1 E,
Sec. 33.
T. 14 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 15 S., R. 1 E.,
Secs. 5 and 6.
T. 13 S., R. 1 W.,
Secs. 13 to 24, inclusive.
T. 14 S., R. 1 W.,
Secs. 31 to 36, inclusive.
T. 15 S., R. 1 W.,
Secs. 1 to 3, inclusive.
T. 13 S., R. 2 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 24, inclusive.
T. 14 S., R. 2 W.,
Secs. 18 and 19;
Secs. 26 to 36, inclusive.
T. 15 S., R. 2 W.,
Secs. 5 and 6.
Tps. 13 to 15 S., R. 3 W.
Tps. 13 to 15 S., R. 4 W.
T. 10 S., R. 5 W.,
Secs. 3 to 8, inclusive;
Secs. 17 and 18.
T. 11 S., R. 5 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
Tps. 13 to 15 S., R. 5 W.
T. 9 S., R. 6 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive;
Sec. 33.
T. 10 S., R. 6 W.,
Secs. 1 to 4, inclusive;
Secs. 10, 11, 12, 15, and 31.
Tps. 11 to 14 S., R. 6 W.
T. 15 S., R. 6 W.,
Secs. 2 to 10, inclusive;
Secs. 17 to 20, inclusive.
T. 8 S., R. 7 W.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 S., R. 7 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 15, inclusive;
Secs. 22 to 25, inclusive.
T. 10 S., R. 7 W.,
Secs. 6 to 8, inclusive;
Secs. 17 to 22, inclusive;
Secs. 27 to 36, inclusive.
Tps. 11 to 14 S., R. 7 W.
T. 15 S., R. 7 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 24, inclusive.
T. 4 S., R. 8 W.,
Sec. 31.
T. 5 S., R. 8 W.,
Secs. 1 to 18, inclusive.
T. 8 S., R. 8 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 9 S., R. 8 W.,
Sec. 7;
Secs. 17 to 22, inclusive;
Secs. 27 to 35, inclusive.
Tps. 10 to 14 S., R. 8 W.
T. 1 S., R. 9 W.,
Secs. 18 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 9 W.,
Secs. 5 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 3 S., R. 9 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 27 to 34, inclusive.
T. 4 S., R. 9 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 5 S., R. 9 W.,
Secs. 1 to 7, inclusive;
Secs. 18 and 19.
T. 6 S., R. 9 W.,
Secs. 7 and 8;
Secs. 17 to 20, inclusive;
Secs. 28 to 34, inclusive.
T. 7 S., R. 9 W.,
Secs. 3 to 8, inclusive.
T. 8 S., R. 9 W.,
Secs. 18 to 20, inclusive;
Secs. 28 to 35, inclusive.
Tps. 9 to 13 S., R. 9 W.
T. 14 S., R. 9 W.,
Secs. 1 to 3, inclusive;
Secs. 11 to 15, inclusive;
Secs. 22 to 27, inclusive;
Sec. 36.
T. 15 S., R. 9 W.,
Sec. 1.
T. 1 S., R. 10 W.,
Secs. 3 to 15, inclusive.
T. 2 S., R. 10 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 3 S., R. 10 W.,
Secs. 1 and 2.
T. 5 S., R. 10 W.,
Secs. 24 and 25.
T. 6 S., R. 10 W.,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 16 to 36, inclusive.
Tps. 7 to 10 S., R. 10 W.
T. 11 S., R. 10 W.,
Secs. 1 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 12 S., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Secs. 22 to 26, inclusive;
Secs. 29 to 32, inclusive;
Sec. 36.
T. 13 S., R. 10 W.,
Secs. 5 to 9, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 36, inclusive.
T. 14 S., R. 10 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14, 15, 22, 23, 26, and 27;
Secs. 31 to 35, inclusive.
T. 15 S., R. 10 W.,
Secs. 2 to 11, inclusive;
Secs. 15 to 22, inclusive.
T. 1 N., R. 11 W.,
Sec. 19;
Secs. 26 to 36, inclusive.
T. 1 S., R. 11 W.,
Secs. 1 and 2;
Secs. 5 to 8, inclusive;
Secs. 17 and 18.
T. 6 S., R. 11 W.,
Secs. 18 and 19;
Secs. 25 to 36, inclusive.
Tps. 7 to 10 S., R. 11 W.
T. 11 S., R. 11 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 33, inclusive.
T. 12 S., R. 11 W.,
Secs. 5 to 8, inclusive;
Secs. 18 and 36.
T. 13 S., R. 11 W.,
Secs. 1, 2, 7;
Secs. 11 to 14, inclusive;
Secs. 18, 19, 30, and 31.
T. 14 S., R. 11 W.,
Secs. 4 to 10, inclusive;
Secs. 15 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 15 S., R. 1 W.,
Secs. 1 to 17, inclusive;
Secs. 21 to 24, inclusive;
Secs. 26 to 28, inclusive;
Secs. 34 and 35.
T. 1 N., R. 12 W.,
Secs. 3, 10, and 11;
Secs. 13 to 15, inclusive;
Secs. 23 and 24.
T. 2 N., R. 12 W.,
Secs. 31 to 33, inclusive.
T. 5 S., R. 12 W.,
Secs. 32 to 34, inclusive.
T. 6 S., R. 12 W.,
Secs. 4 to 8, inclusive;
Secs. 13 to 36, inclusive.
Tps. 7 to 10 S., R. 12 W.
T. 11 S., R. 12 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 12 S., R. 12 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 33 to 35, inclusive.
T. 13 S., R. 12 W.,
Secs. 2 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 22 to 26, inclusive;
Secs. 35 and 36.
T. 14 S., R. 12 W.,
Secs. 1, 12, 13, 24, and 25.
T. 1 N., R. 13 W.,
Secs. 4, 7, 8, and 18.
T. 2 N., R. 13 W.,
Secs. 33 to 36, inclusive.
T. 8 S., R. 13 W.,
Secs. 1, 2;
Secs. 11 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 31 to 36, inclusive.
Tps. 9 and 10 S., R. 13 W.
T. 11 S., R. 13 W.,
Secs. 1 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 1 N., R. 14 W.,
Secs. 23, 26, 27, 28, 33, 34, and 35.
T. 1 S., R. 14 W.,
Sec. 4.
T. 9 S., R. 14 W.,
Secs. 1 and 2, inclusive;
Secs. 10 to 16, inclusive;
Sec. 19;
Secs. 21 to 28, inclusive;
Secs. 30 to 36, inclusive.
T. 10 S., R. 14 W.
T. 11 S., R. 14 W.,
Secs. 1 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 12 S., R. 14 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 11, inclusive;
Sec. 16.
T. 9 S., R. 15 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 10 S., R. 15 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34 to 36, inclusive.
T. 4 S., R. 16 W.,
Secs. 17 to 20, inclusive;
Secs. 28, 29, and 33.
T. 5 S., R. 16 W.,
Secs 11, 12, 14, and 15.
T. 3 S., R. 17 W.,
Secs. 14, 23, 24, and 26.

The public lands in the areas described aggregate approximately 664,420 acres.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER this classification shall be subject

to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-6733; Filed, June 14, 1967; 8:48 a.m.]

[Montana 1361]

MONTANA

Notice of Classification of Lands for Multiple Use Management

JUNE 9, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411; the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from (a) appropriation only under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) of further segregating the lands described in paragraph 5 of this notice from the operation of the general mining laws (30 U.S.C. 21), and the lands described in paragraphs 4 and 5 shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Several comments have been made as a result of the notice of proposed classification (32 F.R. 2980, 2981) and the public hearing which was held on February 23, 1967. All comments were carefully considered and were generally favorable. The record containing these comments is on file and can be examined in the Missoula District Office, Missoula, Mont., and the Land Office, Billings, Mont.

3. The public lands affected by this classification are located within the Garnet Range and are shown on maps on file in the Missoula District Office, Bureau of Land Management, 316 Savings Center, Missoula, Mont., and in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

4. The lands are located generally west of the Continental Divide between the Clark Fork and Blackfoot Rivers, and are described as follows:

PRINCIPAL MERIDIAN MONTANA

PORTIONS OF POWELL, GRANITE, MISSOULA, AND LEWIS AND CLARK COUNTIES

T. 11 N., R. 7 W.,
Sec. 19;
Secs. 29 to 33, inclusive.
T. 11 N., R. 8 W.,
Secs. 3 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 12 N., R. 8 W.,
Secs. 18, 19, and 20;
Secs. 29 to 33, inclusive.
Tps. 10, 11, and 12 N., R. 9 W.
T. 14 N., R. 9 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Secs. 19 to 36, inclusive.
Tps. 9, 10, 11, and 12 N., R. 10 W.
T. 13 N., R. 10 W.,
Secs. 6, 7, and 8;
Secs. 17 to 20, inclusive;
Secs. 28 to 34, inclusive.
T. 14 N., R. 10 W.,
Secs. 4 to 11, inclusive;
Secs. 13 to 34, inclusive;
Sec. 36.
T. 15 N., R. 10 W.,
Secs. 29 to 32, inclusive.
T. 9 N., R. 11 W.,
Secs. 1 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 35 and 36.
Tps. 10, 11, 12, 13, and 14 N., R. 11 W.
T. 10 N., R. 12 W.,
Sec. 10.
Tps. 11, 12, 13, and 14 N., R. 12 W.
Tps. 11, 12, 13, 14, and 15 N., R. 13 W.
T. 11 N., R. 14 W.,
Secs. 1 to 27, inclusive;
Secs. 33 to 36, inclusive.
Tps. 12 and 13 N., R. 14 W.
T. 14 N., R. 14 W.,
Sec. 12.
T. 16 N., R. 14 W.,
Secs. 2, 4, 8, 10, and 20.
T. 11 N., R. 15 W.,
Secs. 1 to 18, inclusive;
Secs. 21 to 24, inclusive.
Tps. 12 and 13 N., R. 15 W.
T. 14 N., R. 15 W.,
Secs. 6 and 17.
T. 16 N., R. 15 W.,
Sec. 34.
T. 11 N., R. 16 W.,
Secs. 1 to 14, inclusive;
Sec. 16.
Tps. 12 and 13 N., R. 16 W.
T. 14 N., R. 16 W.,
Secs. 26 and 32.
T. 11 N., R. 17 W.,
Secs. 1, 2, 11, and 12.
T. 12 N., R. 17 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 13 N., R. 17 W.,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
T. 12 N., R. 18 W.,
Secs. 1, 2, and 3;
Secs. 11 to 14, inclusive.
T. 13 N., R. 18 W.,
Secs. 13 to 31, inclusive;
Secs. 33 to 36, inclusive.

The areas described aggregates approximately 119,400 acres of public land.

5. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws:

PRINCIPAL MERIDIAN MONTANA

POWELL COUNTY

T. 11 N., R. 8 W.,
Sec. 25, Lots 1, 2, 17, 18, 19, 20, 21, and 22.
T. 12 N., R. 9 W.,
Sec. 7, SE¼SE¼;
Sec. 8, part of MS. 2809.
T. 14 N., R. 9 W.,
Sec. 30, Lot 2, N½ Lot 3, Lots 5 through 15, S½NE¼NW¼, SE¼NW¼, N½NE¼SW¼, N½N½SE¼.
T. 14 N., R. 10 W.,
Sec. 23, Lots 5 through 13, SW¼SE¼;
Sec. 39, Lots 5 through 9, SE¼NW¼.
T. 12 N., R. 11 W.,
Sec. 14, NW¼SW¼, S½SW¼;
Sec. 26, NE¼, N½SE¼, SW¼SE¼.
T. 14 N., R. 11 W.,
Sec. 18, Lots 1 and 2, NE¼NW¼, SW¼NW¼;
Sec. 23, Lots 7, 8, and 9;
Sec. 26, Lot 4, SW¼NE¼, NE¼SE¼.
T. 13 N., R. 13 W.,
Sec. 12, SW¼NW¼.

GRANITE COUNTY

T. 10 N., R. 12 W.,
Sec. 10, SW¼SW¼.
T. 11 N., R. 13 W.,
Sec. 7, Lot 3, NE¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 21, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼;
Sec. 22, NW¼NW¼.
T. 11 N., R. 14 W.,
Sec. 14, Lots 1, 4, and 5, W½NE¼.
T. 12 N., R. 14 W.,
Sec. 4, Lot 4;
Sec. 5, Lots 1 and 5, NW¼SW¼;
Sec. 15, Lots 4 and 18.

MISSOULA COUNTY

T. 13 N., R. 14 W.,
Sec. 33, SE¼SW¼, SW¼SE¼.
T. 14 N., R. 15 W.,
Sec. 17, NE¼SE¼.
T. 12 N., R. 16 W.,
Sec. 26, SE¼SE¼SE¼.
T. 14 N., R. 16 W.,
Sec. 32, SE¼SE¼.
T. 12 N., R. 18 W.,
Sec. 1, SE¼SW¼.
T. 13 N., R. 18 W.,
Sec. 35, NW¼NE¼.

The areas described aggregates approximately 2,146 acres of public land.

6. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

HAROLD TYSK,
State Director.

[F.R. Doc. 67-6734; Filed, June 14, 1967; 8:48 a.m.]

[Utah 2912]

UTAH

Order Opening Lands to Mineral Location, Entry and Patenting

JUNE 7, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 2 S., R. 24 E.,
Sec. 19, E½SW¼.

The area described contains 80 acres.

2. The lands are located in Uintah County, about 25 miles northeast of the town of Vernal, Utah. Topography is flat to rolling hills. Soils range from silty to sandy loam. Vegetation consists of big sage, bitter brush, and grass. The lands have value for watershed, grazing, wildlife, and recreation which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on July 12, 1967, be opened to application, petition, location, and selection. All valid applications received at or prior to 10 a.m. on July 12, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

HORACE E. JONES,
Acting State Director.

[F.R. Doc. 67-6694; Filed, June 14, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Atlas Chemical Industries, Inc., Wilmington, Del. 19899, has withdrawn its petition (FAP 7A2140), notice of which was published in the FEDERAL REGISTER of January 28, 1967 (32 F.R. 1060), proposing an amendment to § 121.1008 *Polyoxyethylene (20) sorbitan tristearate* to provide for the safe use of polyoxyethylene (20) sorbitan tristearate as an agglomerating agent in the processing of pectin whereby the amount of the additive does not exceed 600 parts per million of the finished pectin.

Dated: June 8, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6727; Filed, June 14, 1967; 8:48 a.m.]

DIMETHYL PHOSPHATE OF 3-HYDROXY-N-METHYL-CIS-CROTONAMIDE

Notice of Extension of Temporary Tolerance

The Shell Chemical Co., 1700 K Street NW., Washington, D.C. 20006, was granted a temporary tolerance, that will expire June 23, 1967, of 0.2 part per million for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide and its cholinesterase-inhibitory conversion products in or on sugarcane (notice was published June 29, 1966 (31 F.R. 8964)). An extension of the temporary tolerance has been requested to permit additional performance tests, and the Commissioner of Food and Drugs has determined that such extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires June 23, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6728; Filed, June 14, 1967; 8:48 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additive Biuret

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48641, proposing the issuance of a food additive regulation to provide for the safe use of biuret as a source of nonprotein nitrogen in ruminant feeds.

Dated: June 8, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-6729; Filed, June 14, 1967; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region IV (Chicago), during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to Assistant Regional Administrator for Housing Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Housing Development Division.
3. Director, Housing Management Division.

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 15th day of June 1967.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67-6743; Filed, June 14, 1967; 8:49 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Assistant Regional Administrator for Metropolitan Development, Region IV, during the absence of the Assistant Regional Administrator for Metropolitan Development, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Metropolitan Development: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Metropolitan Development unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Metropolitan Development.
2. Chief, Engineering Branch.

The designation effective October 24, 1964 (29 F.R. 14609, Oct. 24, 1964), is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 15th day of June 1967.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67-6744; Filed, June 14, 1967; 8:49 a.m.]

ACTING REGIONAL ADMINISTRATOR ET AL., REGION V (FORT WORTH)

Designations

A. The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as Acting Regional Administrator, Region V, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator; *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Program Coordination and Services.

B. The officers appointed to the positions in Region V (Fort Worth) listed under 1, 2, 3, 4, 5, and 6 below are hereby designated to serve as the Acting Assistant Regional Administrator as specified below during the absence of the Assistant Regional Administrator for Housing Assistance; the Assistant Regional Administrator for Metropolitan Development; the Assistant Regional Administrator for Program Coordination and Services; the Assistant Regional Administrator for Renewal Assistance; the Assistant Regional Administrator for FHA; and the Assistant Regional Administrator for Administration, respectively, with all of the powers, functions, and duties redelegated or assigned to the respective Assistant Regional Administrator: *Provided,* That no officer is authorized to serve as Acting Assistant Regional Administrator unless all other officers whose titles precede his in the respective designations below are unable to act by reason of absence:

1. Acting Assistant Regional Administrator for Housing Assistance:
   a. Deputy Assistant Regional Administrator for Housing Assistance.
   b. Director, Housing Development Division, Housing Assistance Office.
   c. Director, Housing Management Division, Housing Assistance Office.
2. Acting Assistant Regional Administrator for Metropolitan Development:
   a. Deputy Assistant Regional Administrator for Metropolitan Development.
   b. Chief, Finance Branch, Metropolitan Development Office.
   c. Director, Program Field Service Division, Metropolitan Development Office.
3. Acting Assistant Regional Administrator for Program Coordination and Services:
   a. Assistant to the Assistant Regional Administrator for Program Coordination and Services, Program Coordination and Services Division.
   b. Director, Planning Branch, Program Coordination and Services Division.
   c. Director, Relocation Branch, Program Coordination and Services Division.
4. Acting Assistant Regional Administrator for Renewal Assistance:
   a. Deputy Assistant Regional Administrator for Renewal Assistance.
   b. Director, Field Service Division, Renewal Assistance Office.
   c. Director, Neighborhood Facilities Program, Renewal Assistance Office.
   d. Chief, Fiscal Management Branch, Renewal Assistance Office.
5. Acting Assistant Regional Administrator for FHA:
   a. Director, Project Review Branch, Office of the Assistant Regional Administrator for FHA.
   b. Director, Low Income Housing and Rent Supplement Branch, Office of the Assistant Regional Administrator for FHA.
6. Acting Assistant Regional Administrator for Administration:
   a. Chief, Budget Branch, Division of Administration.

These designations supersede the designations effective August 27, 1965 (30 F.R. 11118, Aug. 27, 1965).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. These designations shall be effective as of June 15, 1967.

W. W. COLLINS,
Regional Administrator,
Region V (Fort Worth).

[F.R. Doc. 67-6745; Filed, June 14, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-156]

UNIVERSITY OF WISCONSIN

Notice of Proposed Issuance of Construction Permit and Amended Facility License

The Atomic Energy Commission is considering the issuance to The University of Wisconsin of a construction permit, substantially as set forth below, which would authorize the installation of a modified TRIGA type nuclear reactor core as a replacement for the present core and authorize certain modifications to the present control system in the existing reactor located on the University's campus at Madison, Wis.

Upon completion of the installation of the facility in compliance with the terms and conditions of the construction permit, the Commission, in the absence of good cause to the contrary, will issue without further prior notice an amended facility license, substantially as set forth below to the University, authorizing operation of the reactor at steady state power levels up to 1 megawatt.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of June 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated July 13, 1966, and amendments thereto dated August 18, 1966 and March 8, 1967 (hereinafter "the application") The University of Wisconsin requested authority to install a modified TRIGA type nuclear reactor core and to modify the control system in The University of Wisconsin Nuclear Reactor (hereinafter "the reactor") located on the University's campus at Madison, Wis. The modified reactor will replace the reactor previously operated under Facility License No. R-74, as amended.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. The University of Wisconsin is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR;

E. The University of Wisconsin and its contractor, the General Dynamics Corp., are technically qualified to design and construct the reactor;

F. The University of Wisconsin has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to The University of Wisconsin will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50 "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Wisconsin to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is July 15, 1967. The latest completion date of the facility is November 15, 1967. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed in the reactor facility located on the campus at Madison, Wis.

C. The applicant is authorized in the construction of the reactor to insert into the reactor for alignment and testing purposes one fuel bundle containing the transient rod guidetube and three fuel elements.

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding that

the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue an amended Class 104 license to the University of Wisconsin pursuant to section 104c of the Act, which license shall expire at midnight, June 7, 2000.

Dated: June 7, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED AMENDMENT TO LICENSE

[License No. R-74; Amdt. 8]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR-_____ and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The University of Wisconsin is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. The University of Wisconsin is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Wisconsin is therefore exempt from the financial protection requirement of subsection 170a of the Act.

License No. R-74, as amended, is amended in its entirety, effective as of the date of issuance of this amendment, to read as follows:

1. This license applies to The University of Wisconsin Nuclear Reactor with the installed TRIGA nuclear core and control system (hereinafter, "the reactor"), owned by The University of Wisconsin (hereinafter, "the licensee"), and located on the campus in Madison, Wis., and described in the licensee's application for license dated July 13, 1966, and subsequent amendments thereto (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of Wisconsin:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess, and use up to 3.75 kilograms of contained uranium-235 and up to 16 grams of plutonium contained in plutonium-beryllium neutron sources in connection with operation of the reactor, and 135.4 grams of contained uranium-235 in MTR type fuel elements; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady state power levels up to a maximum of 1,000 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A hereto[1] are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity discharge into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under the license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the Safety Analysis Report.

4. This license shall expire at midnight, June 7, 2000.

Date of issuance:

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 67-6688; Filed, June 14, 1967; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

CIVIL AERONAUTICS BOARD

[Docket No. 18518]

SKYMASTER, INC., ET AL.

Notice of Proposed Approval of Control and Interlocking Relationships

Application of Skymaster, Inc.; Coast Carloading Co., Inc.; Coast Cartage Co., Inc.; Art's Transfer and Storage Co., Inc.; Coast Transfer Co.; Coast Triad, Inc.; Coast Leasing Co., Inc.; Mrs. E. L. McIntyre; Jean M. Baker and Harry M. Baker; for approval of common control and interlocking relationships; Docket 18518.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 9, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority. Application of Skymaster, Inc., Coast Carloading Co., Inc., Coast Cartage Co., Inc., Art's Transfer and Storage Co., Inc., Coast Transfer Co., Coast Triad, Inc., Coast Leasing Co., Inc., Mrs. E. L. McIntyre, Jean M. Baker, and Harry M. Baker, Docket 18518; for approval of common control and interlocking relationships and other relief under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By joint application filed May 5, 1967, Skymaster, Inc. (Skymaster), Coast Carloading Co., Inc. (Carloading), Coast Cartage Co., Inc. (Cartage), Art's Transfer and Storage Co., Inc. (Storage), Coast Transfer Co. (Transfer), Coast Triad, Inc. (Triad), Coast Leasing Co. (Leasing), Mrs. E. L. McIntyre, Mrs. Jean M. Baker, and Mr. Harry M. Baker, request approval of the common control relationships proposed among the corporate applicants pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) and approval of contemplated interlocking relationships by virtue of offices, directorships, and stock holdings in the corporate applicants by the individual applicants pursuant to section 409 of the Act.

Skymaster, a newly incorporated entity organized for the purpose of engaging in air

freight forwarding activities, is currently seeking authority from the Board to operate as a domestic and international air freight forwarder; until such authority is granted by the Board, Skymaster will remain inactive. Therefore, for the purpose of this proceeding, Skymaster will be considered an air carrier.

The activities of the other corporate applicants follow:

A. Carloading is a surface freight forwarder operating under ICC authority FF-82, which authorizes surface freight forwarding activities between California, on the one hand, and Oregon, Washington, Canada, Alaska, and Idaho, on the other hand.

B. Cartage, Storage and Transfer engage in local cartage activities, all intrastate within the boundaries of California, Washington, and Oregon respectively.

C. Triad and Leasing engage in the leasing of motor vehicles.[1]

Cartage owns 100 percent of the outstanding and issued stock of Carloading, Storage, Transfer and Skymaster. Cartage is in turn owned by Mrs. E. L. McIntyre, 50 percent; Mrs. Jean M. Baker, 25 percent; and Mr. Harry M. Baker, 25 percent. In addition to the common control relationships, as stated above, the applicants are also requesting approval of the following interlocking relationships between Skymaster and the other corporate applicants:

[1] Our action herein does not extend to Triad and Leasing as such companies are not deemed to be subject to the Act.

COMPANY AND POSITION HELD BY APPLICANTS

	Mrs. E. L. McIntyre	Mr. Harry M. Baker	Mrs. Jean M. Baker
Skymaster	Vice President, Treasurer, Director.	President, Director	Secretary, Director.
Carloading	Vice President, Treasurer, Director.	President, Director	Secretary, Director.
Cartage	Vice President, Treasurer, Director.	President, Director	Secretary, Director.
Storage		President, Treasurer, Director	Secretary, Director.
Transfer		President, Treasurer, Director	Secretary, Director.

No comments relative to the joint application or request for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the joint application, it is concluded that Skymaster will be an air carrier within the meaning of section 408 of the Act, that Carloading, Cartage, Storage and Transfer are common carriers within the meaning of section 408 of the Act, and that the common control of Skymaster, Carloading, Cartage, Storage, and Transfer by Mr. Harry M. Baker, Mrs. E. L. McIntyre, and Mrs. Jean M. Baker is subject to that section of the Act.

However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not present any new substantive issues.[2] It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should the operations of Cartage, Storage and Transfer expand beyond the boundaries of the States in which they presently operate, new issues would be raised which could only be resolved upon the filing of a further application for prior approval by the Board. Accordingly, approval of the instant relationships will be conditioned so that such approval shall be effective only so long as the operation of motor vehicles by Cartage, Storage and Transfer are confined to the States in which they presently operate.

[2] Cf. Mark IV Air Freight, Inc., et al., Docket 16233, Order E-22451, July 19, 1965. See also Order E-22158, May 13, 1965; Order E-24481, Dec. 6, 1966.

It is also found that interlocking relationships within the scope of section 409 of the Act will result from the holding by the individual applicants of the positions described herein. However, it is concluded that a due showing has been made in the form and manner prescribed by Part 251 of the Board's Economic Regulations that the interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the control relationships resulting from the common control by Mrs. E. L. McIntyre, Mr. Harry M. Baker, and Mrs. Jean M. Baker of Skymaster, Carloading, Cartage, Storage and Transfer be and they hereby are approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or as hereafter amended, the interlocking relationships heretofore described be and they hereby are approved;

3. That the approvals herein shall be effective only so long as the operation of motor vehicles by the corporate applicants is limited to the States in which they presently operate; and

4. That except to the extent granted herein, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-6736; Filed, June 14, 1967; 8:48 a.m.]

[Docket No. 17233]

CONDOR FLUGDIENST G.m.b.H.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on July 12, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 9, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-6737; Filed, June 14, 1967; 8:48 a.m.]

[Docket No. 16357]

MOTOR CARRIER-AIR FREIGHT FORWARDER INVESTIGATION

Notice of Postponement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter now assigned for July 12 is postponed to July 19, 1967, at 10 a.m. e.d.s.t., Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 9, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-6738; Filed, June 14, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME BELGE, S.A., AND ARMEMENT DEPPE, S.A.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edwin Longcope, Hill, Betts, Yamaoka, Freehill and Longcope, 26 Broadway, New York, N.Y. 10004.

Agreement 8610-2, between Compagnie Maritime Belge, S.A., and Armement Deppe, S.A., modifies the basic agreement to provide for the extension of its geographic scope to include (1) North Atlantic ports, (2) Mexican East Coast ports and (3) United Kingdom ports.

Dated: June 12, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-6718; Filed, June 14, 1967; 8:47 a.m.]

[Agreement 7838]

NEDLLOYD & HOEGH LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward P. Cotter,
Charrier and McAteer, Inc.,
1750 Pennsylvania Avenue NW.,
Washington, D.C. 20006.

Agreement 7838-5, between Nedlloyd Lines and Hoegh Lines, modifies the scope of the basic agreement as defined in Article 1 by substituting for the word "Malaysia" the words "Malaya, Singapore, Sarawak, Brunei, North Borneo" and also serves notice of the withdrawal of A/S Atlantica as a party to the agreement.

Dated: June 12, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-6720; Filed, June 14, 1967; 8:47 a.m.]

WELCOME SHIPPING CO. AND ORIENT OVERSEAS LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. W. Schmolze, Vice President,
Thor Eckert & Co., Inc.,
19 Rector Street,
New York, N.Y. 10006.

Agreement 9634, between Welcome Shipping Co. (WSC) and Orient Overseas Line (OOL), covers the transportation of rubber under through bills of lading from Indonesia to U.S. Atlantic and Gulf ports with transshipment at Singapore and ports in Malaysia under terms and conditions as set forth in the agreement.

Dated: June 12, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-6721; Filed, June 14, 1967; 8:47 a.m.]

[Independent Ocean Freight Forwarder License No. 1070]

ADELINO J. VAZQUEZ

Order To Show Cause

On May 19, 1967, the National Grange Mutual Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b), by Adelino J. Vazquez, 77 Ferry Street, Newark, N.J. 07105, would be canceled effective June 18, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR), provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b), provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised), section 6.03.

It is ordered, That Adelino J. Vazquez on or before June 14, 1967, either (1) submit a valid bond effective on or before June 18, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m. on June 15, 1967, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That License No. 1070 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-6719; Filed, June 14, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-6695; Filed, June 14, 1967; 8:45 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

JUNE 9, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co.,

being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6696; Filed, June 14, 1967; 8:45 a.m.]

NUCLEONIC CORPORATION OF AMERICA

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nucleonic Corporation of America, 196 DeGraw Street, Brooklyn, N.Y., and all other securities of Nucleonic Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6697; Filed, June 14, 1967; 8:45 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6698; Filed, June 14, 1967; 8:45 a.m.]

[File No. 811-1363]

S & P NATIONAL CORP.

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 11, 1967, through June 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6699; Filed, June 14, 1967; 8:45 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6700; Filed, June 14, 1967; 8:46 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 11, 1967, through June 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6701; Filed, June 14, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JUNE 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6702; Filed, June 14, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JUNE 9, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 12, 1967, through June 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-6703; Filed, June 14, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3894, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 7, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3894 C 3-7-66	Atlantic Richfield Co.,[1] Post Office Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	10.0	14.65
G-3894 C 7-27-66	do	do	10.0	14.65
G-7223 C 4-3-67	Standard Oil Co. of Texas, a division of Chevron Oil Co.,[1] Post Office Box 1249, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	10.0	14.65
G-7223 C 4-3-67	do	do	10.0	14.65
G-7648 4-11-67 [2]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	United Gas Pipe Line Co., White Point, Saxet, et al. Fields, San Patricio and Nueces Counties, Tex.	14.0	14.65
G-11917 D 5-25-67 [3]	Mobil Oil Corp. (partial abandonment).	United Gas Pipe Line Co., Green Field, Karnes County, Tex.	Assigned	.....
G-11957 D 5-25-67 [4]	do	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Assigned	.....
G-12584 D 5-29-67	do	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Assigned	.....
G-12960 D 5-2-66 [5]	Cabot Corp. (SW) (Operator), et al., Post Office Box 1101, Pampa, Tex. 79065.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Assigned	.....
G-13216 D 5-25-67 [4]	Mobil Oil Corp. (partial abandonment).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Assigned	.....
G-13885 E 3-28-67	Fred Whitaker (Operator) et al. (successor to International Helium, Inc. (Operator) et al.), c/o Tom Roberts, attorney, 201 Whitaker Bldg., Carthage, Tex. 75633.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	14.0	14.65
G-14925 D 5-25-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Block 27, McKee Field, Crane County, Tex.	Uneconomical	.....
G-16303 D 5-25-67 [4]	Mobil Oil Corp. (partial abandonment).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Assigned	.....
G-17246 D 5-24-67 [6]	Mobil Oil Corp. (Operator) et al.	Sinclair Oil & Gas Co., Abell Field, Pecos County, Tex.	Assigned	.....
G-17248 D 5-24-67 [6]	do	do	Assigned	.....
G-18112 5-8-67 [7]	Petroleum Consultants, Inc. (Operator) et al. (formerly Val R. Reese & Associates, Inc. (Operator) et al.), 2820 Central Ave., SE., Albuquerque, N. Mex. 87106.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	13.0	15.025
G-18371 C 5-31-67	Aztec Oil & Gas Co., 2009 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
CI60-216 4-4-67 [7]	Petroleum Consultants, Inc. (Operator) et al. (formerly Val R. Reese & Associates, Inc. (Operator) et al.).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	12.0	15.025
CI60-691 C & D 5-22-67	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Various Fields, Woods, Alfalfa, Dewey, and Major Counties, Okla.	[8] 15.0	14.65
CI61-991 4-4-67 [7]	Petroleum Consultants, Inc. (formerly Val R. Reese & Associates, Inc.).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[9] [10] 14.0 [11] 12.0	15.025
CI61-1773 E 5-29-67	Conroy, Inc. (successor to South Texas Development Co., Operator), 1100 Alamo National Bldg., San Antonio, Tex. 78205.	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	10.0	16.4
CI63-1139 C 5-29-67	Harper Oil Co. (Operator) et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield and Major Counties, Okla.	15.0	14.65
CI64-898 E 5-18-67	Ralph L. Warner (successor to R. G. Lawton), 105 Lee St., Gassaway, W. Va. 26624.	Consolidated Gas Supply Corp., Grant District, Marion County, W. Va.	25.0	15.325
CI64-946 C 5-26-67	Tenneco Oil Co. (Operator) et al., Post Office Box 2511, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Garvie Area, Woodward County, Okla.	[8] 17.0	14.65
CI64-1211 E 5-22-67	R. R. Sheets (successor to Fred V. Shadid, et al.), 645 Northeast 63d St., Oklahoma City, Okla. 73105.	El Paso Natural Gas Co., South Erick Field, Greer County, Okla.	13.0	14.65
CI66-66 E 5-25-67	The Permian Corp. (successor to McWood Corp., Operator), Post Office Box 3119, Midland, Tex. 79704.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Fort Jessup Field Area, Sabine Parish, La.	15.75	15.025
CI66-653 D 5-29-67	Austral Oil Co., Inc., et al., 2700 Humble Bldg., Houston, Tex. 77002 (partial abandonment).	Arkansas Louisiana Gas Co., acreage in Haskell and Latimer Counties, Okla.	Uneconomical	.....
CI66-856 C 5-25-67	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	15.0	14.65
CI67-285 C 4-28-67	Gulf Oil Corp.	Transwestern Pipeline Co., Northwest Mendota Field, Hemphill County, Tex.	[8] 17.0	14.65
CI67-930 A 1-26-67	Cities Service Oil Co.,[1] Bartlesville, Okla. 74003.	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1462 A 3-28-67	Charles A. Laughlin, Route 3, New Bethlehem, Pa. 16242.	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	20.0	15.325
CI67-1633 A 5-26-67	Edwin G. Bradley and Geo. R. Shaw, d.b.a. Bradley-Shaw, 826 Union Center Bldg., Wichita, Kans. 67202.	Plateau Natural Gas Co., Hugoton Gas Field, Kearny County, Kans.	13.5	14.65
CI67-1634 A 5-26-67	Weva Oil Corp., Parkersburg National Bank, Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.325
CI67-1635 A 5-26-67	Calvert-Mid America, Inc., et al., Fourth Floor, National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., acreage in Beaver County, Okla.	[9] 17.0	14.65
CI67-1636 (G-20327) F 5-29-67	A.L.K., Ltd., No. 2 (successor to Wyant Ventures, Ltd.), 706 Bank of Southwest Bldg., Amarillo, Tex. 79109.	Colorado Interstate Gas Co., Morane-Laverne Field, Harper County, Okla.	[9] 16.0	14.65
CI67-1637 A 5-29-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Selling Field, Dewey County, Okla.	[9] 17.0	14.65
CI67-1638 A 5-29-67	Sidwell Oil & Gas, Inc. (Operator), et al., c/o Jerry F. Lyons, attorney, Post Office Box 550, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	[12] 17.85	14.65
CI67-1639 A 5-29-67	Humble Oil & Refining Co.	Northern Natural Gas Co., Morane-Laverne Field, Harper County, Okla.	[9] 17.0	14.65
CI67-1690 B 5-29-67	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., West Lemon Field, Haskell County, Kans.	Depleted	.....
CI67-1691 A 5-29-67	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Northwest Dombey Field, Texas County, Okla.	[9] 17.0	14.65
CI67-1692 (G-20242) F 5-26-67	Singer-Fleischaker Oil Co., Inc. (successor to Continental Oil Co.), 902 Whitney Bldg., New Orleans, La. 70130.	Florida Gas Transmission Co., Thompson Bluff Field, Jefferson Davis Parish, La.	22.175	15.025
CI67-1693 A 5-29-67	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Southwest Avard Area, Woods County, Okla.	[9] 17.0	14.65
CI67-1694 A 5-19-67	J. C. Walker, Bruin, Pa. 16022	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	27.5	15.325
CI67-1695 B 5-31-67	American Metal Climax, Inc., 1270 Avenue of the Americas, New York, N.Y. 10020.	Montana-Dakota Utilities Co., West Greybull Unit Field, Big Horn County, Wyo.	[13]	.....
CI67-1696 B 5-29-67	Texas Oil & Gas Corp., 2520 Fidelity Union Tower, Dallas, Tex. 75201.	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Depleted	.....
CI167-1697 B 5-29-67	do	Coastal States Gas Producing Co., Texana Field, Jackson County, Tex.	Depleted	.....
CI67-1698 B 5-29-67	do	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Depleted	.....
CI67-1699 B 5-29-67	do	do	Depleted	.....
CI67-1700 B 5-29-67	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex. 78403.	South Texas Natural Gas Gathering Co., South Tabasco Field Area, Hidalgo County, Tex.	Depleted	.....
CI67-1701 A 5-31-67	Kilroy Properties, Inc., et. al., 1908 First City National Bank Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
CI67-1702 A 5-31-67	Tenneco Oil Co.	Transwestern Pipeline Co., Gateby Field, Ellis County, Okla.	[11] 17.0	14.65
CI67-1703 A 5-31-67	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	Texas Eastern Transmission Corp., Coteau Freno Field, Assumption Parish, La.	20.0	15.025

[1] Applicant has advised willingness to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[2] Amendment to certificate filed to reflect the new contract.
[3] Deletes nonproducing acreage assigned to Cattle Land Oil Co. and Edwin L. Cox.
[4] Deletes nonproducing acreage assigned to I. W. Lovelady and R. W. Blake.
[5] Deletes acreage assigned to Arnold Petroleum Co.
[6] Deletes acreage assigned to Petroleum Corp. of Texas.
[7] Amendment to certificate filed to reflect change in corporate name; no change in interest involved.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Rate in effect subject to refund in Docket No. RI64-478.
[10] Applicable rate for gas not produced into low pressure system.
[11] Applicable rate for gas produced into low pressure system.
[12] Includes 0.85 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[13] Noncommercial.
[14] Subject to upward B.t.u. adjustment.

[F.R. Doc. 67-6601; Filed, June 14, 1967; 8:45 a.m.]

[Docket Nos. G-10239, etc.]

R. H. CARNES ET AL.

Findings and Order After Statutory Hearing

JUNE 6, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involved sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Evmar Oil Corp., Applicant in Docket Nos. CI67-1036 and CI67-1228, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-3605 to be made pursuant to Joseph S. Gruss, FPC Gas Rate Schedule No. 1 and to continue in toto the sale of natural gas heretofore authorized in Docket No. G-3605 to be made pursuant to Joseph S. Gruss, FPC Gas Rate Schedule No. 4, respectively. The contract comprising Joseph S. Gruss, FPC Gas Rate Schedule No. 1 will also be accepted for filing as a rate schedule of Applicant, and Joseph S. Gruss, FPC Gas Rate Schedule No. 4 will be redesignated as a rate schedule of Applicant. The presently effective rate under said rate schedules is in effect subject to refund in Docket No. RI60-74,[1] and Applicant has filed a motion requesting to be made a party respondent in said proceeding. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI60-74, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Dugan Production Corp., Applicant in Docket No. CI67-1217, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-17206 to be made pursuant to El Paso Products Co., FPC Gas Rate Schedule No. 8. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-460, and Applicant has filed a motion to be made a party respondent in said proceeding and has submitted an agreement and undertaking

[1] Consolidated in the initial proceeding in Docket No. AR61-1 et al.

to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

The staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, a joint petition to intervene by Southern California Gas Co. and Southern Counties Gas Co. of California was filed in Docket No. CI67–1217, in the matter of the application filed on February 27, 1967, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of interventions, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 25, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–10239, CI60–738, CI63–20, CI63–647, CI63–1162, CI64–1338, CI65–426, CI66–176, CI66–239, CI66–338, CI66–1234, and CI67–205 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–3605	CI67–1066
G–3605	CI67–1228
G–10827	CI66–239
G–14370	CI66–239
G–17206	CI67–1217

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Evmar Oil Corp. should be a co-respondent in the proceeding pending in Docket No. RI60–74, that said proceeding should be redesignated accordingly, and that Evmar Oil Corp. should be required to file an agreement and undertaking in said proceeding.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Dugan Production Corp. should be a co-respondent in the proceeding pending in Docket No. RI64–460, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Dugan in said proceeding should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 2 and 23 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI66–103 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. CI66–103 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* that adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. CI66–103 shall file three copies of a rate schedule quality statement in the form

prescribed in Opinion No. 468–A. Applicant in Docket Nos. CI67–1036 and CI67–1228 shall file rate schedule quality statements for each rate schedule involved within 45 days from the date of this order.

(H) The initial price for the sale authorized in Docket No. CI67–1085 shall be 11 cents per Mcf at 14.65 p.s.i.a.

(I) Certificates are issued herein in Docket Nos. CI67–1295, CI67–1299, CI67–1312, CI67–1313, CI67–1315, CI67–1316, and CI67–1396 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(J) Certificates are issued herein in Docket Nos. CI67–1318, CI67–1320, CI67–1398, and CI67–1399 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(K) A certificate is issued herein in Docket No. CI67–1296 authorizing Applicant to continue the sale of natural gas which was being rendered without prior Commission authorization by the predecessor.

(L) The certificates heretofore issued in Docket Nos. CI60–738, CI63–20, CI63–647, CI63–1162, CI64–1338, CI66–176, CI66–239, CI66–1234, and CI67–205 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The acceptance for filing of the related rate schedules in Docket Nos. CI60–738 and CI63–647 are contingent upon Applicants' filing three copies each of a billing statement as required by the regulations under the Natural Gas Act.

(N) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–3605	CI67–1036
G–3605	CI67–1228
G–10827	CI66–239
G–14370	CI66–239
G–17206	CI67–1217

(O) The certificates heretofore issued in Docket Nos. G–10239, CI65–426, and CI66–338 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(Q) The certificates heretofore issued in Docket Nos. G–18039, G–12772, CI62–1201, and CI64–847 are terminated.

(R) Evmar Oil Corp. shall be a co-respondent in the proceeding pending in Docket No. RI60–74 and the proceeding is redesignated accordingly.[2]

(S) Within 30 days from the issuance of this order Evmar Oil Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI60–74 to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within thirty days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) Evmar Oil Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Evmar in Docket No. RI60–74 shall remain in full force and effect until discharged by the Commission.

(U) Dugan Production Corp. shall be a co-respondent in the proceeding pending in Docket No. RI64–460, said proceeding is redesignated accordingly,[3] and the agreement and undertaking submitted by Dugan in said proceeding is accepted for filing.

(V) Dugan Production Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Dugan in Docket No. RI64–460 shall remain in full force and effect until discharged by the Commission.

(W) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] Joseph S. Gruss and Evmar Oil Corp.

[3] El Paso Products Co. and Dugan Production Corp.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–10239 E 4–7–67	R. H. Carnes et al. (successor to H. H. Osborne et al.).	Pennzoil Co., Big Sandy District, Kanawha County, W. Va.	H. H. Osborne et al., FPC GRS No. 1.	1	
			Assignment 9–29–65 [1]	1	1
			Effective date: 9–29–65		
CI60–738 C 3–6–67 [2]	Ashland Oil & Refining Co.	Panhandle Eastern Pipe Line Co., acreage in Major and Dewey Counties, Okla.	Amendment 2–6–67 [3]	[4] 73	10
CI63–20 D 10–4–65	Humble Oil & Refining Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Assignment 9–16–65 [5 6]	337	23
D 10–11–65	do	Arkoma Area, Pittsburg County, Okla.	Assignment 9–23–65 [6 7]	337	29
D 11–8–65	do	Arkoma Area, Haskell County, Okla.	Assignment 10–29–65 [5 6]	337	31
D 11–29–65	do	Arkoma Area, Latimer County, Okla.	Assignment 9–23–65 [6 8]	337	29
D 1–3–66	do	Arkoma Area, Haskell County, Okla.	Assignment 12–17–65 [5 6]	337	32
D 1–24–66	do	Arkoma Area, Pittsburg County, Okla.	Assignment 12–23–65 [6 7]	337	33
D 5–19–66	do	do	Assignment 4–19–66 [6 9]	337	34
CI63–647 C 4–10–67 [2]	Cities Service Oil Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woods County, Okla.	Amendatory agreement 3–29–67. [3]	132	4
CI63–1162 D 1–22–65	Humble Oil & Refining Co. (Operator) et al.	Northern Natural Gas Co., Camo Area, Beaver County, Okla.	Assignment 1–5–65. [10]	327	12
			Assignment 1–5–65. [6 10]	327	13
CI64–1338 C 4–10–67 [2]	Humble Oil & Refining Co. (Operator).	Natural Gas Pipeline Co. of America, Crane Field, Dewey County, Okla.	Amendment 2–1–67. [3]	331	5
CI65–426 E 4–7–67	Pecos Co. (successor to John H. Hill).	Cities Service Gas Co., South Bishop Area, Ellis County, Okla.	John H. Hill, FPC GRS No. 3.	5	
			Supplement No. 1. Notice of succession 4–5–67.	5	1
			Assignment 3–23–67.	[7]	2
			Effective date: 3–23–67.		
CI66–103 A 7–30–65 [11]	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. [12]	Transwestern Pipeline Co., Bell Lake Unit No. 10, Lea County, N. Mex.	Ratified 3–23–67. [13]	85	
			Contract 10–12–60. [14]	85	1
			Letter agreement 12–14–60.	85	2
			Letter agreement 3–27–62.	85	3
			Letter agreement 6–3–63.	85	4
			Letter agreement 3–29–64. [3]	85	5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-176 C 4-6-67 [2]	Skelly Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., acreage in Arkoma Area, Pittsburgh, Latimer, and Le Flore Counties, Okla.	Amendatory agreement 1-21-67.[3]	210	2
F CI66-239 (G-10827) (G-14370) C 4-10-67	Joseph F. Fritz (Operator) et al.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Pearl River County, Miss.	Amendment 4-4-67 [15]	1	7
			Assignment 11-21-66 [16]	1	8
			Assignment 3-8-67 [17]	1	9
			Assignment 2-24-67 [18]	1	10
			Assignment 4-3-67 [19]	1	11
CI66-338 E 4-7-67	Pecos Co. (successor to John H. Hill et al.).	Cities Service Gas Co., South Bishop Area, Roger Mill County, Okla.	John H. Hill et al., FPC GRS No. 4.	6	----
			Notice of succession 4-5-67.	----	----
			Assignment 3-28-67	6	1
CI66-1234 C 4-6-67 [2]	Sinclair Oil & Gas Co.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Effective date: 3-28-67	----	----
			Amendment 3-3-67 [3]	352	1
CI67-205 C 4-10-67 [2]	Dalco Oil Co.	do	Amendatory agreement 2-23-67.[3]	3	2
CI67-1036 (G-3605) F 2-6-67	Evmar Oil Corp. (successor to Joseph S. Gruss).	El Paso Natural Gas Co., Spraberry Driver Unit, Glasscock County, Tex.	Contract 3-24-54 [20]	1	----
			Letter agreement 6-14-54.	1	1
			Supplemental agreement 10-26-59.	1	2
			Supplemental agreement 12-9-60.	1	3
			Assignment 6-23-66	1	4
CI67-1085 A 2-17-67 [2]	Sunray DX Oil Co.	Oklahoma Natural Gas Gathering Corp.,[21] Ringwood Field, Major County, Okla.	Effective date: 7-1-66	----	----
			Contract 1-9-67	274	----
			Compliance (undated) [2 21a]	274	1
CI67-1102 (CI64-847) B 2-21-67	Houston Royalty Co. (Operator) et al.	Texas Eastern Transmission Corp., East Melrose and West Weesatche Fields, Gollad County, Tex.	Notice of Cancellation 11-9-66.[22]	5	4
CI67-1152 A 2-21-67 [23]	do	United Gas Pipe Line Co., East Melrose and West Weesatche Fields, Gollad County, Tex.	Contract 12-8-66 [3]	10	----
CI67-1156 [24] A 2-23-67 [2]	Petroleum International, Inc., R. W. McMahon et al.	Northern Natural Gas Co., acreage in Woodward County, Okla.	Contract 12-20-66 [3 25]	4	----
CI67-1217 (G-17206) F 2-27-67	Dugan Production Corp. (successor to El Paso Products Co.).	El Paso Natural Gas Co., Dakota Formation, Rio Arriba County, N. Mex.	Contract 11-15-66 [3 25]	1	----
			Contract 1-2-59 [26]	1	----
			Supplement 3-21-60	1	1
			Letter agreement 7-5-60.	1	2
			Assignment 11-1-66 [27]	1	3
			Effective date: 11-1-66	----	----
CI67-1228 (G-3605) F 2-6-67 [28]	Evmar Oil Corp. (successor to Joseph S. Gruss).	El Paso Natural Gas Co., Spraberry Driver Unit Glasscock and Reagan Counties, Tex.	Joseph S. Gruss, FPC GRS No. 4.	2	----
			Supplement Nos. 1-8	2	1-8
			Notice of succession 2-2-67.	----	----
			Assignment 6-23-66 [29]	2	9
			Effective date: 7-1-66	----	----
CI67-1273 A 3-17-67 [2]	Mesa Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Lovedale Field, Harper County, Okla.	Contract 1-24-67 [3 25]	17	----
CI67-1292 A 3-2-67 [30]	Charles C. Bissett, d.b.a. Bissett Construction Co.	The Manufacturers Light & Heat Co., Liberty District, Marshall County, W. Va., and Springhill and Aleppo Township, Greene County, Pa.	Contract 6-18-62 [3]	1	----
CI67-1293 A 3-2-67 [28]	Charles C. Bissett, d.b.a. Bissett Oil & Gas Co.	The Manufacturers Light & Heat Co., Church District, Wetzel County, W. Va.	Contract 2-14-64 [3]	2	----

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1295 A 3-2-67 [31]	Howard Marcus	The Manufacturers Light & Heat Co., Battelle District, Monongalia County, W. Va.	Contract 8-10-31 [32]	1	----
			Letter Agreement 12-28-38.[33]	1	1
			Assignment 3-19-52 [34]	1	2
			Letter Agreement 7-29-52.	1	3
			Assignment 8-2-55 [35]	1	4
CI67-1296 A 3-2-67	Maoco Drilling & Supply Co. et al.	The Manufacturers Light & Heat Co., Benezette Township, Elk County, Pa.	Contract 2-10-54 [36]	2	----
			Assignment 6-21-57 [37]	2	1
			Effective date: 6-21-57	----	----
CI67-1299 A 3-17-67 [31]	Red Bank Gas Co.	The Manufacturers Light & Heat Co., Madison Township, Armstrong County, Pa.	Contract 5-10-27	1	----
CI67-1312 A 3-20-67 [31]	Duquesne Natural Gas Co.	The Manufacturers Light & Heat Co., Morris Township, Washington County, Pa.	Contract 4-1-38	3	----
			Letter agreement 1-22-42.	3	1
CI67-1313 A 3-20-67 [31]	do	The Manufacturers Light & Heat Co., East Finley and Morris Townships, Washington County, Pa.	Contract 2-2-38	2	----
			Letter agreement 1-22-42.	2	1
CI67-1315 A 3-14-67 [31]	S. W. Reed, agent	The Manufacturers Light & Heat Co., Hanover Township, Washington County, Pa.	Contract 2-28-44	1	----
CI67-1316 A 3-14-67 [31]	do	do	Contract 2-28-44	2	----
CI67-1318 A 3-17-67 [31]	James Drilling Corp.	The Manufacturers Light & Heat Co., Jacksonville Field, Indiana County, Pa.	Contract 7-10-57 [3]	3	----
CI67-1320 A 3-20-67 [31]	Herbert L. Kifer et al.	The Manufacturers Light & Heat Co., Porter and Red Bank Townships, Clarion County, Pa.	Contract 9-3-65 [3]	1	----
CI67-1381 (CI62-1201) B 4-5-67	Edwin M. Jones Oil Co. (Operator) et al.	Texas Eastern Transmission Corp., Dunn Field, Live Oak County, Tex.	Notice of cancellation 4-3-67.[3 39]	5	9
CI67-1394 A 4-6-67 [28]	Sun Oil Co. (Southwest Division).	Phillips Petroleum Co., Panhandle Field, Wheeler County, Tex.	Contract 2-15-67 [3]	215	----
CI67-1395 A 4-7-67 [2]	Arnold Petroleum Co. (Operator) et al.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 1-30-67 [3]	3	----
CI67-1396 A 3-27-67 [31]	Duquesne Natural Gas Co. et al.	The Manufacturers Light Heat Co., Morris Township, Greene County, and East Finley Township, Washington County, Pa.	Contract 1-11-32 [40]	4	----
			Assignment 5-1-33 [41]	4	1
			Letter Agreement 1-22-42.	4	2
CI67-1398 A 3-27-67 [34]	Thomas M. Tharp, agent, et al.	The Manufacturers Light & Heat Co., Aleppo Township, Greene County, Pa.	Contract 4-30-64 [3]	1	----
CI67-1399 A 4-3-67 [33, 34]	Raymond R. Ward, agent, et al.	Cumberland & Allegheny Gas Co., Banks District, Upshur County, W. Va.	Contract 3-18-57 [3]	1	----
CI67-1401 A 4-6-67 [28]	Winnie Fae Morris, agent for Russell G. Beall et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Contract 7-12-66 [3]	3	----
CI67-1402 A 4-10-67 [28]	George W. Miller et al.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Contract 9-21-66 [3]	42	----
CI67-1408 (G-18039) B 4-10-67	Rhodes & Hicks Drilling Corp. et al.	Coastal States Gas Producing Co., Hollow Tree Field, Jim Wells County, Tex.	Notice of cancellation 4-7-67.[3 39]	1	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-1404..... A 4-7-67 [23]	J. A. Pierce.....	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Contract 5-15-58 [42]..... Letter agreement 7-5-60. [3 43]	1 1	 1
CI67-1407..... (G-12772) B 4-10-67	Robert Mosbacher.....	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	Notice of cancellation 4-5-67. [6 39]	14	3
CI67-1408..... A 4-10-67 [23]	Bowser Gas & Oil Co.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Contract 7-10-66 [3].....	12	.....
CI67-1413..... A 4-7-67 [23]	J. & J. Enterprises, Inc., et al.	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	Contract 9-23-66 [3].....	10	.....
CI67-1414..... A 4-11-67 [23]	Sydney Spofforth, agent for A & A Drilling Co.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 6-23-66 [3].....	9	.....
CI67-1417..... A 4-11-67 [23]	Adena Petroleum, Inc., agent for Industries Americana, Inc. et al.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Contract 7-10-66 [3].....	2	.....
CI67-1418..... A 4-12-67 [23]	Lock 3 Oil, Coal & Dock Co. et al.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 1-24-67 [3].....	8	.....
CI67-1419..... A 4-12-67 [23]	.....do.....	Cumberland & Allegheny Gas Co., Union District, Barbour County, W. Va.	Contract 12-16-66 [3].....	9	.....
CI67-1421..... A 4-12-67 [3]	Continental Oil Co.....	Natural Gas Pipeline Co. of America, Southwest Lovedale Field, Harper County, Okla.	Contract 11-1-66 [3].....	324	.....
CI67-1424..... A 4-12-67 [23]	Raymond N. Beim et al., d.b.a. MBF Co.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 9-30-66 [3].....	2	.....

[1] From Osborne to Carnes et al.
[2] July 1, 1967, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Contract provides for 17.0-cent rate but Applicant states willingness to accept authorization for the additional acreage at 15.0 cents.
[5] Covers acreage assigned to An-Son Corp. (sec. 6, T. 9 N, R. 24 E, Supp. No. 29), (sec. 7, T. 9 N, R. 23 E, Supp. No. 31) and (sec. 16, T. 9 N, R. 23 E, Supp. No. 32), respectively.
[6] Effective date: Date of this order.
[7] Covers acreage assigned to Amax Petroleum Corp. (sec. 19, T. 5 N, R. 12 E, Supp. Nos. 30 and 33, respectively).
[8] Covers acreage assigned to Sun Oil Co. (sec. 35, T. 7 N, R. 21 E, Supp. No. 27).
[9] Covers acreage assigned to Cities Service Gas Co. (sec. 11 and 12, T. 5 N, R. 12 E, Supp. No. 34).
[10] Conveys acreage to Woods Petroleum Corp. (sec. 34, T. 2 N, R. 24 E, Supp. No. 12) and Clayton E. Lee and Gale C. Turney (sec. 22, T. 2 N, R. 25 E, Supp. No. 13), respectively.
[11] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[12] By letter filed Mar. 24, 1967, Applicant advised willingness to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468.
[13] Between Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. and Transwestern Pipeline Co.; ratifies basic contract as amended.
[14] Between Continental Oil Co. and Transwestern Pipeline Co.
[15] Amends basic contract to include newly acquired acreage.
[16] Conveys Gulf Oil Corp.'s interest in interval from 9,892 to 9,971 feet to Herber Ladner. Interest is presently dedicated to contract dated July 13, 1956, between Gulf and United which is designated as Gulf's FPC GRS No. 92 and certificated in Docket No. G-16927.
[17] Instrument conveying one-half and one-fourth of acquired interest to Larco Drilling Co. and Joseph F. Fritz, respectively.
[18] Conveys Union Producing Co's interest in interval from 9,805 to 9,932 feet to Larco Drilling Co. Interest is presently dedicated to contract dated Jan. 22, 1958, between Union and United which is designated as Union's FPC GRS No. 232 and certificated in Docket No. G-14370.
[19] Instrument conveying one-fourth of acquired interest to Herber Ladner and to Joseph F. Fritz.
[20] Between Joseph S. Gruss and El Paso Natural Gas Co.; on file as Joseph S. Gruss FPC GRS No. 1.
[21] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[21a] Filed Apr. 13, 1967. Complies with temporary certificate issued Mar. 17, 1967.
[22] Production of gas no longer economically feasible.
[23] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[24] Both Petroleum International, Inc., and R. W. McMahon et al., are covered by the certificate application in said docket.
[25] Acreage committed as to depths shallower than the base of the Mississippian System.
[26] Contract between El Paso Natural Gas Co., buyer and El Paso Natural Gas Products Co., seller.
[27] Assignment from El Paso Products Co. to Dugan Production Corp.
[28] Application noticed Mar. 23, 1967, in Docket Nos. G-3244, et al., as a complete succession, further review reveals that the succession is complete as it relates to FPC GRS No. 4 and partial as to the service authorized in Docket No. G-3605; therefore, said application reassigned Docket No. CI67-1228.
[29] From Joseph S. Gruss to Evmar Oil Corp.
[30] Jan. 1, 1968, moratorium applicable to acreage in West Virginia.
[31] Sale being rendered on June 7, 1954.
[32] Between Guy B. Patterson, agent and The Manufacturers Light & Heat Co.
[33] Proposes changes in method of gas measurement.
[34] Undivided one-half interest from T. Smith to Marcus.
[35] Undivided one-half interest from Truman and Pauline Smith to Marcus.
[36] Between Dan Stahlman and Hugh W. Iseman, d.b.a. Clarion County Oil & Gas Co.
[37] From Stahlman to Maco Drilling & Supply Co. (predecessor did not make certificate or rate filings).
[38] Sale being rendered without prior Commission authorization.
[39] Source of gas depleted.
[40] Between Duquesne Gas Corp. et al., and The Manufacturers Light & Heat Co.
[41] From Duquesne Gas Corp. to Duquesne Natural Gas Co.
[42] Limited to gas produced from the Mesa Verde Formation.
[43] Extends term of determination of specific gravity from 3 to 6 months.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]), this _____ day of _____, 196__.

By _____
(Name of Respondent)

Attest:

_____

[1] If a corporation.

[F.R. Doc. 67-6602; Filed, June 14, 1967; 8:45 a.m.]

[Docket Nos. RI67-123 etc.]

HUNT OIL CO. ET AL.

Order Permitting Rate Filing, Accepting Rate Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 7, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-423...	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	50	3	Transcontinental Gas Pipe Line Corp. (Thibodeaux Field, Lafourche Parish, La.) (South Louisiana).	[6] $11	5-8-67 5-8-67	[2] 5-8-67 [2] 5-8-67	(Accepted) 10-8-67	[5] 23.55 20.0	[3 4] 20.0 [4 8] 23.25	
RI67-424...	H. L. Hunt et al., 1401 Elm St., Dallas, Tex. 75202.	29	4	Transcontinental Gas Pipe Line Corp. (Bear Field, Beauregard Parish, La.) (South Louisiana).	[6] 18	5-8-67 5-8-67	[2] 5-8-67 [2] 5-8-67	(Accepted) 10-8-67	[5] 23.55 20.0	[3 4] 20.0 [4 8] 23.25	
RI67-425...	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	24	4	Tennessee Gas Pipe Line Co., a division of Tenneco, Inc. (South Pass Block 24 Field, Plaquemine Parish, La.) (South Louisiana).	[6] 500	5-8-67 5-8-67	[2] 5-8-67 [2] 5-8-67	(Accepted) 10-8-67	[5] 23.6 20.0	[3 4] 20.0 [4 9] 23.55	
	....do.....	29	5	Tennessee Gas Pipe Line Co., a division of Tenneco, Inc. (North Rousseau Area, Lafourche Parish, La.) (South Louisiana).	[11] 1,500	5-8-67 5-8-67	[2] 5-8-67 [2] 5-8-67	(Accepted) 10-8-67	[5] 23.25 20.0	[3 4] 20.0 [4 10] 23.55	

[2] The stated effective date is the date of filing.
[3] Conditioned initial rate provided by Opinion No. 436.
[4] Pressure base is 15.025 p.s.i.a.
[5] Initial rate (including taxes).
[6] Net rate decrease.
[7] Footnote [7]—not used.
[8] "Fractured" rate. Respondent contractually due a rate of 27.55 cents per Mcf inclusive of tax reimbursement.
[9] "Fractured" rate. Respondent contractually due a rate of 26.10 cents per Mcf inclusive of tax reimbursement.
[10] "Fractured" rate. Respondent contractually due a rate of 24.80 cents per Mcf inclusive of tax reimbursement.
[11] Net rate increase.

Hunt Oil Co., H. L. Hunt et al., and Hassie Hunt Trust (Operator) et al. (all referred to herein as Hunt) propose two-step rate changes for their sales of natural gas from the Southern Louisiana Area.

The sales involved herein were included Opinion No. 436, Union Texas Petroleum et al., Docket Nos. G-13221 et al. Opinion No. 436 issued certificates to these Respondents conditioned to initial rates of 20.0 cents in lieu of the initial price provided by their contracts but the rate reduction required therein was stayed pending judicial review of Opinion No. 436 pursuant to Opinion No. 436-A. Consistent therewith, sales under these rate schedules continued to be made pursuant to temporary authorization.

Respondents now propose as a first step that their presently effective rates (as a result of the stay in Opinion No. 436-A) be immediately reduced to 20.0 cents to reflect the conditioned initial rate which the Commission found to be required in Opinion No. 436. Upon the effectiveness of the decreases in rate described above, Hunt propose as a second step to increase their rates to 23.25 cents, and Hassie Hunt Trust (Operator) et al., proposes to increase its rate to 23.55 cents. The end results of the above action would thus reflect a net decrease for Hunt from their presently effective rates and a net increase for Hassie Hunt Trust (Operator) et al., from its presently effective rate. Under the circumstances, we conclude that the proposed changes reflecting decreases to 20.0 cents per Mcf should be accepted for filing and permitted to become effective as of May 8, 1967, the date of filing, and the proposed rate increases to 23.25 cents and 23.55 cents per Mcf should be suspended for 5 months from May 8, 1967, the date of filing.

The sales related to Hassie Hunt Trust (Operator) et al., rate increase contained in Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 29 were initially made under a temporary certificate containing a Condition (2) provision prohibiting changes in the rate specified in the temporary certificate until changed by further order of the Commission in the related certificate proceeding. Hunt requests waiver of the Condition (2) provision to permit the filing of its increase. Consistent with Commission action involving sales being made pursuant to temporary certificates containing a Condition (2) provision where such sales commenced more than 3 years ago (initial delivery under this rate schedule commenced on Nov. 23, 1961), we believe that it would be in the public interest to waive Condition (2) in Hunt's temporary certificate in Docket No. CI61-645 to permit Hunt's proposed notice of change in rate contained in the aforementioned supplement to be filed as hereinafter ordered.

Hunt's proposed increased rates and charges exceed the applicable area price level for increased rates in Southern Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI61-645, with respect to Hassie Hunt Trust (Operator) et al., notice of change, designated as Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 29, and for allowing such notice of change to be filed as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements (insofar as they pertain to the 23.25 cents and 23.55 cents per Mcf rates) be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. CI61-645 is hereby waived with respect to Hassie Hunt Trust (Operator) et al., notice of change, designated as Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 29, and such rate change is permitted to be filed.

(B) The above-designated rate supplements, insofar as they pertain to the proposed rate decreases to 20.0 cents per Mcf, are hereby accepted for filing and allowed to become effective as of May 8, 1967.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges (23.25 cents and 23.55 cents per Mcf) contained in the above-designated rate supplements.

(D) Pending hearings and decisions thereon, the above-designated rate supplements, insofar as they pertain to the 23.25 cents and 23.55 cents rates, are hereby suspended and the use thereof deferred until October 8, 1967, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 24, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6603; Filed, June 14, 1967; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Friday, June 23, 1967. The hearing will take place in Room 1306 of the Pennsylvania State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects.

1. *Philadelphia Fire Department.* A project providing for the construction of a stone and earth dike and fill encroachment into the waterway of the Delaware River at the city-owned wharf at the foot of Allegheny Avenue.

2. *Philadelphia International Airport.* A project involving a dike and fill of about 16 acres, encroaching into the Delaware River for the relocation of a branch of the Pennsylvania Railroad.

3. *Dover Air Force Base.* A project involving construction of a secondary treatment facility at the U.S. Air Force Base in Dover, Del. Treated effluent will discharge to the St. Jones River.

4. *South Fallsburgh Sewer District.* A project to construct a complete high-rate trickling filter plant in the town of Fallsburgh, Sullivan County, N.Y. The new plant will have a capacity of 1.2 million gallons per day and will discharge to the Neversink River.

5. *Borough of Andover.* A project to develop public water supplies from two existing wells to supplement present supplies in Sussex County, N.J. Combined capacity of these wells will be 200,000 gallons per day.

6. *Merchantville-Pennsauken Water Commission.* A project to augment present water supplies in the Commission's service area of Camden County, N.J., by development of a new well with a capacity of 1 million gallons per day. Additionally, 12 existing wells will be included in the Comprehensive Plan.

7. *Kent County Levy Court.* A project by the Levy Court of Kent County, Del., to develop a county-wide comprehensive sewage disposal system including pump stations, transmission mains and tertiary treatment facilities.

8. *Honey Brook Borough.* A project by the Borough of Honey Brook, Chester County Pa., to augment present water supplies by development of a new well (No. 5), transmission mains, distribution storage and distribution system facilities. The proposed 235-foot well is expected to yield 180 gallons per minute.

W. BRINTON WHITHALL,
Secretary.

JUNE 9, 1967.

[F.R. Doc. 67-6690; Filed, June 14, 1967; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry and Withdrawal From Warehouse for Consumption

JUNE 12, 1967.

On June 7, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning June 9, 1967, and extending through June 8, 1968, the restraint on imports to the United States of cotton textiles and cotton textile products in Categories 22, 26 (duck), and 26 (other than duck) produced or manufactured in Brazil. The levels of restraint for this 12-month period are 5 percent greater than the levels of restraint applicable to these categories for the preceding 12-month period.

There is published below a letter of June 8, 1967, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 22, 26 (duck), and 26 (other than duck), produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States, for the 12-month period beginning June 9, 1967, be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
June 8, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit effective June 9, 1967, and for the 12-month period extending through June 8, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 22 and 26, produced or manufactured in Brazil, in excess of the following designated 12-month levels of restraint:

Category		12-month level of restraint
22	square yards	3,045,000
26 (duck only)[1]	do	1,575,000
26 (other than duck)	do	2,310,000

[1] T.S.U.S.A. Nos.:
320.__01 through 04, 06, 08
321.__01 through 04, 06, 08
322.__01 through 04, 06, 08
326.__01 through 04, 06, 08
327.__01 through 04, 06, 08
328.__01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 22 and 26, produced or manufactured in Brazil and which have been exported from Brazil to the United States prior to June 9, 1967, shall be charged in the following manner: First, not more than 145,000 square yards of such goods in Category 22 shall be charged against any unfilled balances in the levels of restraint established for cotton textiles in Category 26 for the period June 9, 1966, through June 8, 1967; and Second, entries of such goods in Categories 22 and 26 shall, to the extent of any unfilled balances as adjusted pursuant to the above directions, be charged against the level of restraint established for such goods for the 12-month period ending June 8, 1967. In the event the level of restraint established for the 12-month period ending June 8, 1967, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Presidents' Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-6732; Filed, June 14, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 616]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Hardin County, in the State of Kentucky.

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about May 14, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1967.

Dated: June 8, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-6704; Filed, June 14, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1074]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 9, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 177), filed May 24, 1967. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Denver, and Grand Junction, Colo., over U.S. Highways 40 and 6, serving no intermediate points, and serving Grand Junction as a point of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 730 (Sub-No. 280), filed May 26, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Charles Frederick Zeebuyth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and chemical solutions*, in bulk, in tank vehicles, from points in Spokane County, Wash., to points in Idaho, Montana, and Oregon and ports of entry on the international boundary line between the United States and Canada located in the States of Washington, Idaho, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Spokane, Wash.

No. MC 730 (Sub-No. 281), filed May 31, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co., located at Van Dyke and Eighteen Mile Road, Sterling Township, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Toledo, Ohio.

No. MC 4405 (Sub-No. 451), filed May 24, 1967. Applicant: DEALER TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer passenger automobiles*, from Troy, Ala., to points in the United States (except Hawaii), and (2) *tractors* in secondary driveaway service only when drawing trailers or trailer chassis (other than those designed to be drawn by passenger automobiles) moving in initial driveaway service, from Troy, Ala., to points in Arizona, Nevada, Oregon, Vermont, and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 4966 (Sub-No. 16), filed May 26, 1967. Applicant: JONES TRANSFER COMPANY, a corporation, 111 Jones Avenue, Monroe, Mich. 48161. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, Mich., as an off-route point in connection with carrier's regular-route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 5470 (Sub-No. 25), filed May 25, 1967. Applicant: ERSKINE & SONS,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

INC., Rural Delivery No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: THEODORE POLYDOROFF, 1329 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap steel*, in bulk, in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey, Maryland, Delaware, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8600 (Sub-No. 22), filed May 29, 1967. Applicant: WERNER TRANSPORTATION CO., a corporation, 2601 32d Avenue South, Minneapolis, Minn. 55406. Applicant's representative: James L. Nelson, W-1262 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen foods*, serving the plantsites of Tony Downs Food Co., located at or near St. James and Madelia, Minn., as off-route points in connection with applicant's regular route operations in the States of Minnesota, Wisconsin, Illinois, Indian, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 10761 (Sub-No. 212), filed May 26, 1967. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except commodities in bulk), from Dover, Del., to points in Illinois, Indiana, Kansas, Kentucky, Ohio, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 10761 (Sub-No. 213), filed May 29, 1967. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Ford Motor Co. at Van Dyke and 18 Mile Road, located at Sterling Township, Mich., as an off route point in connection with the carrier's presently authorized regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 13250 (Sub-No. 90), filed May 25, 1967. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers and parts*, from points in Los Angeles County, Calif., to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Washington, D.C., or Chicago, Ill.

No. MC 28599 (Sub-No. 6), filed May 26, 1967. Applicant: DEVINE & SON TRUCKING CO., Post Office Box 217, West Sacramento, Calif. 95691. Applicant's representative: Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in truckload quantities, from Paskenta, Tehama County, Calif., to the port of Sacramento, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 28956 (Sub-No. 12) (Correction), filed May 17, 1967, published in FEDERAL REGISTER issue of June 1, 1967, corrected June 1, 1967, and republished as corrected, this issue. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, from points in Clark County, Wash., and points in Oregon. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to add "liquid" to the commodity description which was inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 29910 (Sub-No. 74), filed May 26, 1967. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of Republic Powdered Metals, Inc., in Brunswick Hills Township, Medina County, Ohio, as an off-route point in connection with carrier's regular route operations to and from Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 29988 (Sub-No. 107), filed May 29, 1967. Applicant: D C INTERNATIONAL, INC., East 45th at Jackson, Denver, Colo. 80216. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except livestock, gasoline, and other liquids in bulk, automobiles, coal, sand and gravel, and Portland cement, between Denver, Colo., and San Bernardino, Calif., from Denver over Interstate Highway 70 to junction Interstate Highway 15, at or near Cove Fort, Utah, thence over Interstate Highway 15 to San Bernardino, and return over the same route, as an alternate route for operating convenience only. NOTE: Applicant states that portions of Interstate Highways 70 and 15 between Denver, Colo., and San Bernardino, Calif. are not completed, and authority is being sought to operate over U.S. Highway 6 between Denver, Colo., and Price, Utah, U.S. Highway 89 and Utah Highways 10 and 4 between Price, Utah, and junction Interstate Highways 70 and 15 at or near Cove Fort, Utah, and over U.S. Highway 91 between junction Interstate Highways 70 and 15 at or near Cove Fort, Utah, and Las Vegas, Nev. As portions of Interstate Highways 70 and 15, between Denver and San Bernardino, are completed, applicant would relinquish any authority granted to operate over the highways listed above, and would operate over the completed portions of Interstate Highways 70 and 15. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 31600 (Sub-No. 617), filed May 15, 1967. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank or hopper type vehicles, between ports of entry on the international boundary line between the United States and Canada at or near Trout River, Alexandria Bay, Rooseveltown, Ogdensburg, and Champlain, N.Y., Highgate Springs, Derby Line, and Norton, Vt., and Jackman, Van Buren, Houlton, Vanceboro, and Calais, Maine, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of traffic originating at or destined to points in the Province of Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33293 (Sub-No. 2), filed May 29, 1967. Applicant: SCHOCK TRANSFER CO., INC., 655 Industrial Boulevard, Kansas City, Kans. 66115. Applicant's representative: Lowell L. Knipmeyer, Power and Light Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with usual exceptions, between Kansas City, Kans., and Grain Valley, Mo. NOTE: Applicant states that tacking will take place between Kansas City, Kans., and points in Kansas within 10 miles thereof as presently authorized in MC 33293. Applicant holds contract carrier authority in MC 126543, therefore dual operations

may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Kansas City, Mo.

No. MC 35906 (Sub-No. 2), filed May 19, 1967. Applicant: JOHN M. LESTICIAN, doing business as JOHN LESTICIAN TRUCKING, 484 Bunting Avenue, Trenton, N.J. 08611. Applicant's representative: Lawrence A. Eleuteri, Sr., The Ashurst Mansion, Mount Holly, N.J. 08060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Trenton, N.J., and Yardley, Pa., to Fort Dix, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Trenton, Camden, or Newark, N.J.

No. MC 43442 (Sub-No. 18), filed May 29, 1967. Applicant: TRANSPORTATION SERVICE, INC., 2021 South Schaefer, Detroit, Mich. 48217. Applicant's representative: John Graham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co., located at Van Dyke and 18 Mile Road, Sterling Township, Mich., as an off-route point in connection with applicant's presently held authorized authority to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 50544 (Sub-No. 59), filed May 25, 1967. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, a corporation, 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as above). Applicant presently holds authority in MC 50544 to conduct operations as a common carrier by motor vehicle, transporting *general commodities* moving in express service on billing of Railway Express Agency, Inc., only, over specified regular routes in Texas, New Mexico, Louisiana, and Arkansas, subject to certain restrictions, among which is the following: "No shipments shall be transported by said carrier between any of the following points, or through, or to, or from, more than one of said points: Alexandria (applicable only in respect of shipments moving to or from points east of Alexandria), New Orleans, and Shreveport, La., Texarkana, Tex.-Ark., Fort Worth-Dallas (considered as one), Abilene, and El Paso, Tex." By this application, applicant desires to operate between Dallas-Ft. Worth, Tex., on the one hand, and, on the other, Odessa, Tex., over routes authorized in applicant's certificate MC 50544, serving all presently authorized intermediate points, this being solely an application to modify the key point of Abilene, Tex., for the transportation of REA express traffic only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 50935 (Sub-No. 12), filed May 29, 1967. Applicant: WOLVERINE TRUCKING COMPANY, a corporation, 8205 Mount Elliott, Detroit, Mich. 48211. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Detroit, Mich., and points in Maryland, Tennessee, and that part of Indiana on and south of U.S. Highway 30, and points in West Virginia and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 51146 (Sub-No. 56), filed May 22, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Joliet, Kankakee, and Wheeling, Ill., to points in Wisconsin and (2) from Chicago, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 74), filed May 31, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture thereof, between Garfield, N.J., on the one hand, and, on the other, Oneonta and Little Falls, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 52751 (Sub-No. 74), filed May 18, 1967. Applicant: ACE LINES, INC., Post Office Box 1351, 4143 East 43d Street, Des Moines, Iowa 50305. Applicant's representative: James L. Nelson, West 1262 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, and jointing materials for use on clay products*, from Lehigh, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin and *return shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 52869 (Sub-No. 87), filed May 22, 1967. Applicant: NORTHERN TANK LINE, a corporation, 511 Pleasant Street, Miles City, Mont. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, between points in Montana and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 59124 (Sub-No. 15), filed May 26, 1967. Applicant: MAIERS MOTOR FREIGHT COMPANY, 875 East Huron Avenue, Vassar, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins*, from Addyston and Kenton, Ohio, to Vassar, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 59967 (Sub-No. 2), filed May 31, 1967. Applicant: LASHAM CARTAGE COMPANY, a corporation, 2601 South Archer Avenue, Chicago, Ill. 60608. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Palm Beach, Fla., and Miami, Fla., on the one hand, and, on the other, points in Palm Beach, Broward, and Dade County, Fla., restricted to the transportation of traffic having a prior or subsequent movement by water. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 60251 (Sub-No. 7), filed May 29, 1967. Applicant: P. & D. TRANSPORTATION, INC., Connell Highway, Newport, R.I. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Rhode Island and Norfolk, Worcester, Bristol, Plymouth, Barnstable, Middlesex, and Dukes Counties, Mass., restricted to shipments moving on the through bill of lading of a forwarder operating under the exemption of the section 402(b)(2), and having an immediate, prior or subsequent line haul movement by rail, motor, water, or air. NOTE: Applicant states that the proposed service is limited to providing a local service for a forwarder of used household goods. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 61161 (Sub-No. 4), filed May 19, 1967. Applicant: GILES EXPRESS, INC., Post Office Box 511, Bound Brook, N.J. 08805. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic gloves*, from Somerville and Bound Brook, N.J., to Stamford, Conn. NOTE: Applicant states it intends to tack this proposed authority at Somerville and Bound Brook, N.J., to presently held authorized authority serving Newark, N.J., New York, N.Y., points in Nassau and Suffolk Counties, N.Y. If a hearing is deemed necessary, applicant requests it

be held at Newark, N.J., or New York, N.Y.

No. MC 61403 (Sub-No. 169), filed May 29, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in tank or hopper type vehicles, from the plantsite of the Mobil Oil Corp., refinery located at or near Paulsboro, N.J., to points in El Dorado, Ark., Memphis, Tenn., and Purvis, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 64994 (Sub-No. 92), filed May 26, 1967. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102 and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon furnace electrodes*, from Morganton, N.C., to Waukesha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 69833 (Sub-No. 90), filed May 29, 1967. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 90548 (Sub-No. 1), filed May 23, 1967. Applicant: HUSBAND INTERNATIONAL TRANSPORT (ONTARIO), LIMITED, 10 Centre Street, London, Ontario, Canada. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Ford Motor Co., located on Sheldon Road, in Plymouth Township, Wayne County, Mich., as an off-route point in connection with applicant's presently held authorized authority between Detroit, Mich., and points within 8 miles thereof and the international boundary line between the United States and Canada located at Detroit. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 96530 (Sub-No. 3), filed May 29, 1967. Applicant: JESS DANIEL RAUSCH, doing business as RAUSCH TRUCKING COMPANY, 124 Wilson Avenue, Cherokee, Iowa 51012. Applicant's representative: Wallace W. Huff, 314 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in specialized tank vehicles, from Cherokee, Iowa, to points in Nebraska, on and east of U.S. Highway 281, those points in South Dakota, east of the Missouri River, and those points in Minnesota on and south of U.S. Highway 12. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City or Cherokee, Iowa.

No. MC 98832 (Sub-No. 2), filed May 26, 1967. Applicant: THE HARBOR TRANSPORTATION CO., INC., 30 Waterfront Street, New Haven, Conn. 06509. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural iron or steel rods, angles, beams, plates, bars and flats, and wire coil or rods in coils or bundles*, from New Haven Harbor, New Haven, Conn., to points in Massachusetts, restricted to shipments having an immediate prior movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 99427 (Sub-No. 7), filed May 26, 1967. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in New Mexico, on the one hand, and, on the other, points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 100666 (Sub-No. 101), filed May 25, 1967. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard and/or particleboard, when made from wood chips, wood shavings, sawdust or ground wood with added liquid resin binder*, from the plantsite or warehouse facilities of International Paper Co., at or near Gifford, Ark., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 100666 (Sub-No. 102), filed May 29, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt or composition lumber*, from Briar, Ark., to points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 298), filed May 22, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert C. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Land and water cruisers*, mounted on wheeled undercarriages, with hitchball connector designed to be drawn by passenger automobiles, from points in Polk County, Iowa, to points in North Dakota, South Dakota, Montana, and Wyoming, (2) *prefabricated buildings*, complete, knocked down, or in sections, and equipment and materials incidental to the erection and completion of such buildings when shipped therewith, from points in Polk County, Iowa, to points in the United States (except Alaska and Hawaii), and (3) *vacation campers* from points in Poweshiek County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 104004 (Sub-No. 168), filed May 29, 1967. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 66-12 Fresh Pond Road, New York (Ridgewood), N.Y. 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plantsite, Ford Motor Co., Van Dyke and 18 Mile Road, Sterling township, Mich., as an off-route point in connection with applicant's authority to serve Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 107002 (Sub-No. 336), filed May 22, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, Post Office Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Chemicals,* in bulk, from Pascagoula, Miss., and points within 10 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 107012 (Sub-No. 70), filed May 17, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vending machines,* uncrated, between Compton, Calif., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 107496 (Sub-No. 566), filed May 26, 1967. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, from Welcome, Minn., and 5 miles thereof, to points in Iowa, South Dakota, North Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Gary, Ind.

No. MC 107496 (Sub-No. 567), filed May 26, 1967. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* from Central Farmers Fertilizer Co., ammonia terminal at Pine Bend, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Illinois, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Gary, Ind.

No. MC 107515 (Sub-No. 575), filed May 29, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in vehicles equipped with mechanical refrigeration, from Charlotte, N.C., to points in Alabama, Georgia, Florida, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 108298 (Sub-No. 30), filed May 25, 1967. Applicant: ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, 45 North Pennsylvania Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Ford Motor Co. at Van Dyke and Eighteen Mile Road, located at Sterling Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Indianapolis, Ind., or Washington, D.C.

No. MC 108676 (Sub-No. 20), filed May 22, 1967. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Central Building, Bowling Green, Ky. and 1033 State Street 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commoditites,* between Knoxville, Tenn., and points within 75 miles thereof. Restricted to traffic having an immediate prior or subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 109637 (Sub-No. 320), filed May 22, 1967. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: G. R. Thim (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic granules and resin powders,* in bulk, in pneumatic tank vehicles, from Avon Lake, Ohio, to Bardstown, Ky. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110525 (Sub-No. 833), filed May 29, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 155 15th Street NW., Madison Building, Washington, D.C. 20005, also: Edwin H. Van Deusen (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vinegar,* in bulk, in tank vehicles, from Schoharie, N.Y., to Fair Lawn, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113168 (Sub-No. 10), filed May 26, 1967. Applicant: PARK TRUCKING AND SUPPLY, INC., 2025 Railroad Avenue, Glenview, Ill. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* in bulk, in tank vehicles and in bags, from Waukegan, Ill., to points in Indiana and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113622 (Sub-No. 10), filed May 29, 1967. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Slag,* from Erie, Pa., to points in Chautauqua County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Erie, Pa.

No. MC 113651 (Sub-No. 118), filed May 15, 1967. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* other than frozen, (1) from points in Sussex County, Del., and Frederica, Del., to points in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, Louisiana, Texas, Oklahoma, and points in Colorado east of the Continental Divide, and (2) from Pocomoke City, Md., to Chicago, Ill., and points in Indiana on and north of U.S. Highway 30. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or Baltimore, Md.

No. MC 113651 (Sub-No. 119), filed May 29, 1967. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61, M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to transportation of traffic originating at the described plantsite and destined to points in the States named above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115841 (Sub-No. 303) (Amendment), filed February 27, 1967, published FEDERAL REGISTER issue of March 16, 1967, amended May 24, 1967, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or tank vehicles) frozen or unfrozen, (1) from points in New York on and west of U.S. Highway 87; North East and Erie, Pa., to points in Virginia, and North Carolina,

(2) from points in New York on and west of U.S. Highway 11, to Westfield, N.Y., and North East and Erie, Pa., and (3) from Brockport, Morton, Fredonia, Alton, Oakfield, Le Roy, Bergen, Mount Morris, South Dayton, and Rochester, N.Y., to points in Virginia and North Carolina. NOTE: Applicant states it intends to tack this proposed authority in (2) above with other presently held authorized authority serving points in Georgia, South Carolina, Florida, Alabama, Mississippi, Tennessee, and Kentucky. The purpose of this republication is to broaden the destination point in (1) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 116077 (Sub-No. 213), filed May 19, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, from the plantsite of Dow Chemical Co. at or near Plaquemine, Iberville Parish, La., to the plantsite of Thiokol Chemical Co. at Moss Point, Miss. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116077 (Sub-No. 214), filed May 19, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay slurry, and clay products*, in bulk, from points in Jefferson County, Ga., to points in Mississippi, Louisiana, Arkansas, and Texas. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116254 (Sub-No. 73), filed May 22, 1967. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Taft, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 118159 (Sub-No. 36), filed May 29, 1967. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pies, and bakery goods*, both frozen and unfrozen, from points in Tulsa County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 118288 (Sub-No. 22), filed May 23, 1967. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Washington, Oregon, Idaho, Utah, Montana, and Wyoming to points in Illinois, Wisconsin, Michigan, and Indiana with stop-in-transit privileges at Billings, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 119066 (Sub-No. 2), filed May 17, 1967. Applicant: CORNIE DE JONG, Sanborn, Iowa. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, parts, and accessories* therefor between Hull, Iowa, on the one hand, and, on the other, points in Iowa, Nebraska, South Dakota, North Dakota, Montana, Minnesota, Kansas, Missouri, Colorado, Illinois, Indiana, Ohio, Michigan, Kentucky, and Wisconsin; and (2) *iron and steel*, black and galvanized in bars, *tubes and sheets and supplies and equipment* purchased by Koyker Manufacturing Co., from the above-named destination states to the plantsite of Koyker Manufacturing Co. at Hull, Iowa, and plantsite of Sioux Steel Co. at Sioux Falls, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 119657 (Sub-No. 3) (Amendment), filed April 6, 1967, published FEDERAL REGISTER issue of April 20, 1967, amended May 25, 1967 and republished as amended this issue. Applicant: GEORGE TRANSIT LINE, INC., 4610 Hubbell Avenue, Des Moines, Iowa. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate* in bulk, (1) from the plantsites and warehouses of the New Jersey Zinc Co., located at or near Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) from the plantsites and warehouses of the New Jersey Zinc Co. located at or near Colfax, Dupue, and Riverdale, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to redescribe the origin points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 119934 (Sub-No. 136) (Amendment), filed March 8, 1967, published in the FEDERAL REGISTER issue of March 23, 1967, amended May 25, 1967, and republished as amended, this issue. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46204. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk vehicles, (1) from Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, and Ohio, (2) from Riverdale and Colfax, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin, and (3) from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC. 123061 (Sub-No. 41), filed May 22, 1967, Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish feed, animal feed, and poultry feed and ingredients*, between the States of Utah and Idaho. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123067 (Sub-No. 59) (Amendment), filed April 26, 1967, published in FEDERAL REGISTER issue of May 18, 1967, amended May 31, 1967, and republished as amended, this issue. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C., and James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Olivine*, in bulk, in tank or hopper vehicles, from points in Jackson, Mitchell, and Yancey Counties, N.C., to points in Alabama, Georgia, Pennsylvania, and Tennessee (except Elizabethton and Kingsport, Tenn.). NOTE: Common control may be involved. The purpose of this republication is to broaden the origin point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123393 (Sub-No. 186), filed May 22, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blood plasma*, human, frozen, from Philadelphia, Pa., and Phoenix and Florence, Ariz., to points in San Francisco and Alameda Counties, Calif. (2) *articles made of wood, and/or plastic, and wood veneer*, from Milford, Del., to points in Arizona, Arkansas,

California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, and (3) *agricultural commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with the commodities in (1) and (2) above, from Philadelphia, Pa., Phoenix and Florence, Ariz., and points in Delaware, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124181 (Sub-No. 8), filed May 29, 1967. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, ends, caps, and covers*, from Fruitland, Md., to points in Salem, Cumberland, Burlington, Gloucester, Atlantic, Camden, and Cape May Counties, N.J., under contracts with Violet Packing Co., National Fruit Co., and Crown Cork & Seal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 124238 (Sub-No. 5), filed May 25, 1967. Applicant: CEMENT TRANSPORTS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products*, and when moving in the same vehicle at the same time as gypsum products, *materials* used in connection with the installation of gypsum products, from the plantsite of the Flintkote Co. at or near Sweetwater, Tex., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 124692 (Sub-No. 38), filed May 29, 1967. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut buildings (not prefabricated), component parts thereof, and materials and supplies used in the installation, construction or erection thereof*, from Minneapolis, Minn., to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Utah, Idaho, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 125708 (Sub-No. 73) (Correction), filed April 20, 1967, published in FEDERAL REGISTER issue of May 11, 1967, corrected May 22, 1967, and republished as corrected, this issue. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving, and roofing materials*, from points in Illinois and the St. Louis, Mo., commercial zone, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: The purpose of this republication is to show that Carl Steiner, 39 South La Salle Street, Chicago, Ill., is not applicant's representative in this particular case. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Washington, D.C.

No. MC 125777 (Sub-No. 113) (Correction), filed May 17, 1967, published in FEDERAL REGISTER issue of June 1, 1967, and republished as corrected, this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and sand with additives*, in bulk, in dump vehicles, (1) from Troy Grove, Ill., to points in the United States (except Alaska, Hawaii, Indiana, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Mississippi, Tennessee, Pennsylvania, New York, Massachusetts, and New Jersey), (2) from Bridgman, Mich., to points in the United States (except Alaska, Hawaii, Indiana, Illinois, Wisconsin, Iowa, Nebraska, Kansas, Kentucky, and Oklahoma), and (3) from points in the United States (except Alaska, Hawaii, Indiana, and Illinois) to Troy Grove, Ill., and Bridgman, Mich.

NOTE: The purpose of this republication is to include the States of Kansas, Oklahoma, Mississippi, Tennessee, Pennsylvania, and New York, which were erroneously omitted from the exceptions in (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125996 (Sub-No. 9), filed May 24, 1967. Applicant: JENSEN TRUCKING COMPANY, 220 16th Street, Gothenburg, Nebr. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, bird, fish, and poultry feed and animal, bird, fish and poultry feed ingredients*, (1) from points in Nebraska to points in Colorado and (2) from points in Colorado and Utah to points in Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 126822 (Sub-No. 13), filed May 22, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, between the plantsites of Cox Bros. & Co., and/or Missouri Beef Packers, Inc., located at or near Friona and Hereford, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 126884 (Sub-No. 2), filed May 26, 1967. Applicant: FROST TRUCKING CO., INC., 677 Washington Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, equipment, materials and supplies used in the composition, printing and binding of books*, except commodities in bulk in dump or tank vehicles, between points in New York, New Jersey, Connecticut, Brattleboro, Vt., and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 127042 (Sub-No. 18), filed May 23, 1967. Applicant: HAGEN, INC., 4120 Floyd Avenue, Sioux City, Iowa. Applicant's representative: J. Max Harding, Third Floor NSEA Building, Post Office Box 2028, 14th and J Streets, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Minnesota, restricted to traffic originating at plantsite and/or storage facilities used by Wilson & Co., Inc., at Cherokee, Iowa. NOTE: Applicant holds contract carrier authority under MC 115915, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux City, Iowa.

No. MC 127834 (Sub-No. 12), filed May 26, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, in coils, sheets and plate, from Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana,

Maryland, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 128044 (Sub-No. 2), filed May 29, 1967. Applicant: H. J. TENSEN, doing business as PAR TROY TRANSPORTATION, 140 Littleton Road, Parsippany Troy Hills, N.J. 07054. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums*, uncrated, and *aquarium parts, accessories*, and *supplies*, from Pine Brook, N.J., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Minnesota, Oklahoma, Ohio, Pennsylvania, and Wisconsin, under contract with Bader Industries, Inc., of Pine Brook, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 128552 (Sub-No. 1), filed June 5, 1967. Applicant: SPACE, INC., Industry Road, Cidco Park, Box 982, Cocoa, Fla. 32923. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies* having a prior or subsequent movement in interstate commerce, (a) from Cocoa, Fla., to points in Brevard County, Fla., and (b) from points in Brevard County, Fla., to Cocoa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Jacksonville, Miami, or Tampa, Fla.

No. MC 128875 (Sub-No. 1), filed May 25, 1967. Applicant: GERMA ENTERPRISES, INC., doing business as ARROW WAREHOUSE & TRANSFER, Eloise Street, Post Office Box 8942, South Lake Tahoe (formerly Tahoe Valley), Calif. Applicant's representative: Richard R. Hanna, Plaza Building, Post Office Box 648, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture and household furnishings*, uncrated, between Sacramento, Stockton, Vallejo, Oakland, Emeryville, San Francisco, San Carlos, and Campbell, Calif., on the one hand, and, on the other, points in Douglas, Churchill, Ormsby,* and Washoe Counties, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 129106, filed May 15, 1967. Applicant: JOSEPH T. DIGGS, 209 Independence Street, Cumberland, Md. 21502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture and general merchandise* as sold by L. Bernstein Furniture Co., Inc., between Cumberland, Md., on the one hand, and, on the other, points in Maryland, West Virginia, District of Columbia, Virginia, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cumberland or Baltimore, Md.

No. MC 129116, filed May 22, 1967. Applicant: WESTERNER'S INC., 585 West 33d South, Salt Lake City, Utah. Applicant's representative: E. Keith Howick, 1025 East 2100 South, Room 105, Salt Lake City, Utah 84106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles and house trailers*, accidentally wrecked, disabled, stolen, or repossessed, on a wrecker or specially built vehicle, between Salt Lake City, Utah, and points in the Counties of Elko, Eureka, Lander, and White Pine, Nev.; Uinta, Sweetwater, and Lincoln, Wyo.; and Bannock, Bonneville, Franklin, Bear Lake, Caribou, Bingham, Power, Oneida, Cassia, Jerome, and Minidoka, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129122, filed May 19, 1967. Applicant: DUMMETT TRANSPORT SERVICE, INC., Sheldon, Iowa 51201. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizer*, from Fort Neal Industrial Complex, Big Soo Terminal, and the plantsite and storage facilities utilized by Terra International, Inc., located in Woodbury County, Iowa, to points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Minnesota, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 129124 (Sub-No. 1), filed May 22, 1967. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: Robert A. Mills, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in dump vehicles, from points in Bradford Township, Clearfield County, Pa., to points in Maryland and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 129125, filed May 19, 1967. Applicant: L. C. CONLEY, 930 Coldwater Street, Chili, N.Y. 14624. Applicant's representative: Merwin Morehouse, 932–29 Times Square Building, Rochester, N.Y. 14614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic parts and allied equipment and other incidental corporate equipment* to be delivered to Xerox Corp., Webster, N.Y., with operations to be performed between points in Monroe County, N.Y., only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 129126, filed May 19, 1967. Applicant: WILBERT PETTY, doing business as MOUND TRUCKING, 24553 Mound Road, Warren, Mich. 48091. Applicant's representative: Wesley J. Roberts, 26640 Van Dyke Avenue, Center Line, Mich. 48015. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core oils, sand set resins*, from Detroit, Mich., to Elmira, Seneca Falls, Utica, Watertown, Syracuse, and Buffalo, N.Y.; Phillipsburg, N.J.; Dayton, Hamilton, Cincinnati, Wadsworth, and Akron, Ohio; Indianapolis and Anderson, Ind.; Granite City, Rockford, and Kewanee, Ill.; Milwaukee and Menasha, Wis.; Minneapolis, Minn.; and points in Pennsylvania, Iowa, Missouri, Virginia, and West Virginia, under contract with Aristo International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 129127, filed May 22, 1967. Applicant: DOROTHY D. BOYLAN, doing business as BOYLAN MOTOR LINE, 501 Harrison Avenue, Harrison, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in containers, from Newark, Cataret, and Linden, N.J., and Long Island City, N.Y., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and New York, N.Y., and (2) *returned and damaged shipments* on return, under contract with Chemical Solvents Co., and Union Carbide Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129128, filed May 29, 1967. Applicant: FRANK TURNER, Post Office Box 218, Gilmer, Tex. 75644. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rigid electrical conduit and nonmetallic conduit, together with fittings and attachments therefor*, from Gilmer, Tex., to points in the United States, except Alaska and Hawaii, under contract with Robroy Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129130, filed May 29, 1967. Applicant: C. E. DUKES, doing business as HEAVY WRECKER SERVICE, 6510 Frisco Street, Houston, Tex. 77022. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Operable motor vehicles* (excluding mobile homes), by towing in emergency service, for the purpose of replacement of or substitution for wrecked or disabled vehicles, between points in Texas, Louisiana, New Mexico, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

MOTOR CARRIER OF PASSENGERS

No. MC 82007 (Sub-No. 1), filed May 26, 1967. Applicant: SAMUEL COOPER GREGG, Yorklyn, Del. 82007. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Passengers and their baggage,* in charter service, from Wilmington, Del., and points in Delaware within 10 miles of Wilmington to New York, N.Y., and Stratford, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 19227 (Sub-No. 118), filed May 25, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst, Post Office Box 602, Miami, Fla. 33152. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Airplane parts, supplies, machinery, and equipment,* and (2) *components, supplies, machinery, and equipment* used in manufacture of airplanes, between points in New York on the one hand, and on the other, points in Florida.

No. MC 32779 (Sub-No. 7), filed May 29, 1967. Applicant: SILVER EAGLE COMPANY, a corporation, Northwest 57th and St. Helens Road, Portland, Oreg. 97210. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* except household goods as defined by the Commission and office furniture, uncrated, to serve Longview, Wash., as an off-route point in connection with is presently authorized regular route operations between Portland, Oreg., and Seattle, Wash., over U.S. Highway 99. NOTE: Applicant can presently serve Longview as a contiguous city to Kelso, Wash. The purpose of this instant application is to serve the area beyond the corporation limits of Longview but within its commercial zone.

No. MC 83539 (Sub-No. 212), filed May 25, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe or conduit and couplings, rings, or fittings,* from the plantsite of Johns-Manville Products, Corp., at or near Marrero, La., to points in Arizona and New Mexico. NOTE: Applicant states that no duplicating authority is being sought.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6632; Filed, June 14, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 12, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41048—*Sugar from Houston and Sugar Land, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8984), for interested rail carriers. Rates on beet or cane sugar, in carloads, as described in the application, from Houston and Sugar Land, Tex., to Burlington and Milwaukee, Wis.

Grounds for relief—Market competition.

Tariff—Supplement 71 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 41049—*Iron or steel articles to Blakely, Ala.* Filed by O. W. South, Jr., agent (No. A5040), for interested rail carriers. Rates on iron or steel angles, bars, or rods, noibn, beams, channels, plates, floor, and plates, structural, noibn, in carloads, from Alton, East St. Louis, Federal, Chicago, South Chicago, Joliet, Ill., and Gary and Indiana Harbor, Ind., to Blakely, Ala.

Grounds for relief—Rate relationship.

Tariffs—Supplement 101 to Southern Freight Association, agent, tariff ICC S-502, and supplement 40 to Illinois Freight Association, agent, tariff ICC 1085.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-6746; Filed, June 14, 1967; 8:49 a.m.]

[Notice 403]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 12, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestants can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42227 (Sub-No. 2 TA), filed June 8, 1967. Applicant: BEKINS VAN AND STORAGE, INC., 25 East Mason Street, Post Office Box 308, Santa Barbara, Calif. 93102. Applicant's representative: Frederick H. Duffey (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as described in ICC Ex Parte MC-19, between points in Santa Barbara, San Luis Obispo, and Ventura Counties, Calif.; with duplication of present certificates eliminated; for 180 days. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, Calif. 90744; Getz Bros. & Co., Inc., Post Office Box 2230, Wilmington, Calif.; Richardson Transfer & Storage Co., Inc., 940 South Santa Fe Avenue, Compton, Calif.; and Von Der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, Mo. 63026. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012. NOTE: Applicant states that it intends to tack with its authority in MC 42227 at Santa Barbara, Calif., wherein it is authorized to transport household goods in radial operations between Santa Barbara and points within 30 miles thereof on the one hand, and, on the other, points in the Los Angeles and Los Angeles Harbor commercial zones.

No. MC 108460 (Sub-No. 25 TA), filed June 8, 1967. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Box 762, Sioux Falls, S. Dak. 57106. Applicant's representative: E. A. Hutchinson, 420 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers,* from Port Neal, Iowa, industrial complex and Big Soo Terminal and the plantsite of, and warehouses and storage facilities utilized by Terra International, Inc., American Cynamid Co., and Monsanto Co., located in Woodbury County, Iowa, and Dakota County, Nebr., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming; for 180 days. Supporting shipper: Terra Chemicals International, Inc., Port Neal, Iowa (L. R. Garaghty, Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 110525 (Sub-No. 834 TA), filed June 8, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Schoharie, N.Y., to Fair Lawn, N.J.; for 150 days. Supporting shipper: Hinze & Holsten, Schoharie, N.Y. 12157. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119226 (Sub-No. 62 TA), filed June 7, 1967. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Indianapolis, Ind., to Louisville, Ky.; for 180 days. Supporting shipper: Indiana Vinegar Co., Inc., 2001 Rembrandt Street, Indianapolis, Ind. 46202. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119777 (Sub-No. 76 TA), filed June 8, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies and parts thereof*, from the plantsite of Midwest Body & Manufacturing Division of The Electrographic Corp., near Paris, Ill., to points in California, Oregon, and Washington; for 180 days. Supporting shipper: Stuart C. Japinga, Traffic Manager, Midwest Body & Manufacturing Division of The Electrographic Corp., Paris, Ill. 61944. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124109 (Sub-No. 6 TA), filed June 7, 1967. Applicant: B.F.C. TRANSPORTATION, INC., 950 Shaver Road NE., Post Office Box 985, Cedar Rapids, Iowa 52406. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers*, knocked down, from Cedar Rapids, Iowa, to Hartford, Wis.; for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Charles C. Biggers, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

No. MC 125534 (Sub-No. 4 TA), filed June 8, 1967. Applicant: FELIX FRASSATO, INC., Box 882, Mount Vernon, Ill. 62864. Applicant's representative: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. 62254. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber, including but not limited to treated and untreated post, pallets, skids, blocking, mats, ties, staves, and stave headings*, from points in Illinois in and south of Madison, Bond, Fayette, Effingham, Jasper, and Crawford Counties, Ill., to points in Ohio, Wisconsin, Indiana, and the Lower Peninsula of Michigan, and Memphis, Tenn.; for 120 days. Supporting shippers: Clarence Brickey, Hardwood Lumber, Mount Vernon, Ill. 62864; Michigan Industrial Hardwood Co., 1851 Front Street, Box 612, Whiting, Ind.; and Hardwood Lumber Corp., 1650 Halsted Street, Chicago Heights, Ill. 60412. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127990 (Sub-No. 1 TA), filed June 8, 1967. Applicant: SANDERS TRANSFER COMPANY, 3120 South Tacoma Way, Tacoma, Wash. 98408. Applicant's representative: R. G. Peterson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pierce, Thurston, Kitsap, and King Counties, Wash.; restricted to shipments having a prior or subsequent movement beyond such counties, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shipper: Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128044 (Sub-No. 3 TA), filed June 7, 1967. Applicant: H. J. TENSEN, doing business as PAR TROY TRANSPORTATION, 140 Littleton Road, Parsippany Troy Hills, N.J. 07054. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums*, uncrated, and *aquarium parts, accessories, and supplies*, for the account of Bader Industries, Inc., of Pine Brook, N.J., from Pine Brook, N.J., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, Minnesota, Oklahoma, Ohio, Pennsylvania, and Wisconsin; for 180 days. Supporting shipper: Bader Industries, Inc., Chain Bridge Road, Pine Brook, N.J. 07058 (Harold Bader, President). Send protests to: Joel Morrows, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128902 (Sub-No. 1 TA), filed June 8, 1967. Applicant: SCHOENEGGE, INC., Route 20 E, Box 525, Norwalk, Ohio 44857. Applicant's representatives: Sanborn, Brandon, and Duvall, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck cab assemblies*, from Norwalk, Ohio, to Allentown, Pa., and ports of entry on the international boundary line between the United States and Canada, at Buffalo and Niagara Falls, N.Y.; and (2) *truck cab assembly parts*, from York and Scranton, Pa., and Buffalo, N.Y., to Norwalk, Ohio; for 180 days. Supporting shipper: Superior Coach Corp., Norwalk Division, Norwalk, Ohio 44857. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 129096 (Sub-No. 1 TA), filed June 8, 1967. Applicant: DUANE STOVER AND EUGENE STOVER, doing business as STOVER BROS. TRUCKING COMPANY, Post Office Box 232, Elburn, Ill. 60119. Applicant's representative: J. L. Nickels, 203 East Railroad Street, Sandwich, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsalted and salted green animal hides*, from Elburn, Hebron, and North Aurora, Ill., to Cudahy, Wis.; for 150 days. Supporting shipper: Cudahy Tanning Co., 5043 South Packard Avenue, Cudahy, Wis. 53110. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1036, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129148 TA, filed June 8, 1967. Applicant: RAY F. MIRR, Post Office Box 171, Princeton, Wis. 54968. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bean harvesters (mechanical bean harvesting machinery)*, between points in Wisconsin, Illinois, and Indiana; for 180 days. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with California Packing Corp., Midwest Division, Rochelle, Ill. Supporting shipper: California Packing Corp., Midwest Division, Post Office Box 89, Rochelle, Ill. 61068. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-6747; Filed, June 14, 1967; 8:49 a.m.]

[Notice 1538]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 12, 1967.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 279:

No. MC-FC-69744. By application filed June 9, 1967, BOWARD MOVING & STORAGE, INC., Post Office Box 244, Staunton, Va., seeks temporary authority to lease the operating rights of MEADOWS TRANSFER, INC., 188 Charles Street, Harrisonburg, Va., under section 210a(b). The transfer to BOWARD MOVING & STORAGE, INC., of the operating rights of MEADOWS TRANSFER, INC., is presently pending.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-6748; Filed, June 14, 1967; 8:49 a.m.]

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